

MIDYEAR CONSULTATION ON REFUGEE PROGRAMS

HEARING BEFORE THE SUBCOMMITTEE ON IMMIGRATION AND REFUGEE AFFAIRS OF THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE ONE HUNDREDTH CONGRESS FIRST SESSION ON MIDYEAR CONSULTATION ON REFUGEE PROGRAMS

JUNE 30, 1987

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MIDYEAR CONSULTATION ON REFUGEE PROGRAMS

TUESDAY, JUNE 30, 1987

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON IMMIGRATION AND REFUGEE AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room SD-430, Dirksen Senate Office Building, Senator Edward M. Kennedy (chairman of the subcommittee) presiding.

Also present: Senator Simpson.

Staff present: Jerry Tinker, staff director; Michael Myers, counsel; Melinda Nielsen, chief clerk; Richard Day, minority chief counsel; and Carl Hampe, minority counsel.

OPENING STATEMENT OF SENATOR EDWARD M. KENNEDY

Senator KENNEDY. We will come to order. Today's hearing continues a tradition that Senator Simpson and I set several years ago to undertake a midyear consultation on the implementation of our refugee programs under the provisions of The Refugee Act of 1980. We will consult this morning with representatives of the administration and the voluntary agencies involved with the refugee program to update the subcommittee on the constantly changing needs of refugees in the field.

Today's consultation comes at a critical time.

In Africa, the subcommittee knows from the hearings we conducted in February that there are serious refugee protection and assistance needs throughout Southern Africa. And our largest resettlement program on the continent—of Ethiopian refugees in Sudan—has been back on track for only a few months. Africa remains a flashpoint and there are serious unmet needs.

In Europe, the emigration of Soviet Jewish refugees is apparently on the rise, and we must act to ensure that proper resettlement resources are in place to receive them.

In Central America, the refugee situation remains critical. Refugees continue to stagnate in camps in several countries in the region. While there is some resettlement available by some Western countries, and there is talk of voluntary repatriation, conflict and violence continues to add to the toll of refugees and displaced persons.

Volatile conditions in the Middle East continue to produce new refugees every day. Many require international assistance; some need resettlement. And in South Asia, the world's largest refugee

population—that of some 3 million Afghan refugees in Pakistan—calls for the world community to sustain its support of the U.S.'s program in Pakistan.

SITUATION IN SOUTHEAST ASIA

Finally, though certainly not least, there is the troubling situation in Southeast Asia. Ambassador Jonathan Moore, the U.S. Coordinator for Refugee Affairs, just returned from the region, having accompanied Secretary of State Shultz to the annual meeting of the Association of Southeast Asian Nations.

Although Ambassador Moore cannot be with us this morning because of illness, I wanted to note for the record, and which I will include at the end of my remarks, that he took with him a letter that Senator Simpson and I, along with Senator Pell and Senator Hatfield, wrote assuring the Secretary of State that he could reaffirm the continuing commitment of the United States to the ASEAN countries in sharing the burden of providing for the safety and protection of refugees throughout the region. We stated that "this commitment includes not only an ongoing United States role in resettling Indochinese as refugees and immigrants, but more importantly, our financial assistance in support of all durable solutions within Southeast Asia." Obviously, this includes local settlement and voluntary repatriation.

NO "COMPASSION FATIGUE"

In closing, we are holding these consultations at a time when some critics have said that the American people are suffering from refugee "compassion fatigue." Frankly, when I look at our many accomplishments over the past few years, every indication suggests the American people—the voluntary and church agencies—still care very deeply about the plight of refugees.

While there are budgetary and other constraints, despite them, we have rescued—and will continue to rescue—tens of thousands of refugees each year through our unique partnership of government and the private sector in resettlement. And we have provided life saving protection and assistance to millions more in cooperation with our partners in the international community, particularly the U.N. High Commissioner for Refugees.

Although there is much more that must be done, by working together with the voluntary agencies, and with the administration, I am confident we will meet the challenge and continue America's long and proud tradition of assisting and welcoming refugees.

Before we welcome Senator Lautenberg from New Jersey, I want to include in the Record the letter we wrote to Secretary Shultz before his trip to the ASEAN meeting.

[The material referred to follows:]

United States Senate

WASHINGTON, D.C. 20510

June 11, 1987

Honorable George P. Shultz
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Mr. Secretary:

We are writing before your meetings with the Foreign Ministers of the Association of Southeast Asian Nations, because we are delighted to learn that it is your intention to give the highest priority to the issue of Indochinese refugees in your formal presentation. We simply wanted to assure you that broad support remains strong within Congress for the continued and active involvement of the United States in addressing the protection, assistance, and resettlement needs of refugees throughout Southeast Asia.

We know the ASEAN meeting comes at a critical time in which refugees throughout the region -- particularly in Thailand -- are faced daily with threats to their safety and well-being. Recent reports of continued violence on border encampments from all quarters, of forcible repatriations, and of the blockading of UNHCR food supplies, all underscore the precarious situation in which these refugees and displaced persons are placed, and the need for improved international protection in the field.

Southeast Asian governments themselves have a direct responsibility in assuring the assistance and protection of these refugees -- an obligation which they cannot face alone, but which they must share. In this connection, we believe you can assure our Southeast Asian allies of the continued commitment of the United States to assist them -- to share in the burden of providing for the safety and protection of refugees throughout the region. This commitment includes not only an ongoing United States role in resettling Indochinese as refugees and immigrants, but more importantly, our financial assistance in support of all durable solutions within Southeast Asia. There should be no doubt in the minds of our ASEAN allies as to this long-term commitment, which we hope you will underscore in your forthcoming talks.

-2-

After more than a decade, it is time for the international community to address in a more comprehensive fashion the broad range of humanitarian issues in Southeast Asia -- from refugee resettlement and protection needs, to repatriation and eventual local settlement, to resolving the "long-stayer" refugee populations. This will involve close cooperation and shared responsibilities between the ASEAN governments, our western allies, and the U.N. High Commissioner for Refugees.

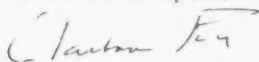
The United States must also press for greater dialogue within Southeast Asia -- including greater diplomatic activity between ASEAN and the Indochinese governments, particularly Vietnam -- in order to deal with the "root causes" behind the continuing refugee problems in the region. We should be equally willing to deal directly and urgently with the Government of Vietnam on the entire range of humanitarian issues between us, including re-establishing processing under the Orderly Departure Program, assistance to Amerasian children, and the release and resettlement of political prisoners, particularly those with family and other ties to the United States.

These are, we know, enormous diplomatic challenges. But this ASEAN meeting provides a unique opportunity to press ahead, and we wanted to let you know of our strong support for whatever initiatives you plan to offer in support of these objectives. We pledge our support when you return home.

With best wishes,

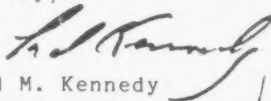


Alan K. Simpson

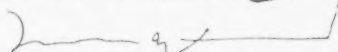


Claiborne Pell

Sincerely,



Edward M. Kennedy



Mark O. Hatfield

Senator KENNEDY. Frank, we are glad to have you here.

**STATEMENT OF HON. FRANK R. LAUTENBERG, A U.S. SENATOR
FROM THE STATE OF NEW JERSEY**

Senator LAUTENBERG. Thank you very much, Mr. Chairman. I am pleased to have this opportunity to testify on my legislation to ease the entry of Cubans into the United States from Cuba and third countries.

This bill aims to correct an injustice that has been done to victims of Castro's tyranny as a result of the breakdown of U.S.-Cuba Mariel Agreement on Immigration. It will permit Cuban political prisoners to come to this country as refugees regardless of the amount of time they spent in Castro's jails. And it will restore the normal immigration of Cubans from Cuba and third countries to the United States.

In 1984, the United States and Cuba signed the Mariel Agreement. Cuba promised to take back about 3,000 Cubans to be found excludable from the U.S. due to mental illness or past criminality. In return, the U.S. promised to allow up to 3,000 former political prisoners and their families, and up to 20,000 other Cubans a year, to emigrate here. In May, 1985, Cuba suspended the Mariel Agreement in reaction to the beginning of Radio Marti broadcasts. That left thousands of former political prisoners and their families, as well as ordinary Cubans with family in the United States who want to emigrate.

In retaliation for Castro's action, we currently allow only those Cuban prisoners—and their families—who've served more than 10 years in prison to come to the United States as refugees. My bill removes that 10-year limit, and allows Cuban political prisoners to come here regardless of the amount of time they've served in Castro's jails.

PUNISHING CASTRO'S VICTIMS

Why? Because it's unfair to punish Castro's own victims for Castro's behavior toward the United States. It penalizes people who have already suffered at Castro's hands, in his jails, for their opposition to his regime.

Armando Valladares, the eloquent former Cuban political prisoner who spent over 22 years in Castro's jails, testified before Congress that "You cannot punish Castro by punishing people who have worked against Castro . . . the measures that the United States took to not allow former political prisoners into the United States as a punishment to Mr. Castro for the breaking of the emigration agreement actually is no punishment at all. . . . Quite the opposite . . . the Cuban authorities tell the political prisoners, 'You remain in jail because your allies, your friends in the United States betray you. They have turned their back on you, and they don't want to receive you in their country'."

SUSPENSION OF NORMAL IMMIGRATION

The second part of my bill addresses the suspension of normal immigration from Cuba and third countries to the United States as a result of the breakdown of the Mariel Agreement. Currently,

Cubans who were not political prisoners can emigrate from Cuba only if they are immediate relatives of American citizens—defined as spouses, parents, or unmarried minors. Cubans in third countries can come to the U.S. only if they are immediate relatives of American citizens, or if they meet certain narrow criteria.

This policy denies thousands of Cubans the right to be reunited with their families in the United States.

My bill would reverse this policy and re-institute normal immigration from Cuba and third countries regardless of what happens to the Mariel Agreement.

For Cubans living in Cuba, allowing them to emigrate to the United States is a simple humanitarian gesture mandated by the terrible conditions of Cuba's totalitarian, Communist society. That gesture becomes even more compelling when we realize that these people have family in the United States.

The ordinary Cuban lives in an environment of repressive fear, subject to constant state surveillance.

There are no guarantees for freedom of assembly, speech, or press. Rationing is widespread. Nearly one quarter of Cuba's 10 million people live in inadequate housing. And the pressure for conformity and submission to the state is extremely high. Those who choose the slightest form of political resistance usually pay a very high price: arrest, abuse, torture, cruel and inhuman punishment. The treatment of political offenders is unrelentingly severe.

Is this the kind of society we would willingly force any Cuban to accept? Cubans whom Castro was willing to let out . . . Cubans with family in the United States? Certainly I do not think so.

U.S. POLICY COUNTERPRODUCTIVE

Our policy can only discourage the bravery and strength of will required to withstand the psychological and physical assault in the totalitarian system in Cuba.

We undermine our own long-term interests, including the fostering the democracy, when we give the impression, however wrong, that the United States is willing to abandon freedom loving-people.

This policy clearly violates America's proud tradition of providing safe haven for those who are oppressed. But there's an even more compelling argument against it.

It has not worked.

Since its institution for political prisoners in 1985, and for immigrants in 1986, not one Mariel excludable has been sent back to Cuba. The two countries aren't even talking about reinstating the Agreement.

In fact, it may even encourage more illegal immigration from Cuba. According to an April 20 New York Times article,

Cuban expert, Professor Jorge Dominguez of Harvard University views the Cubans' inability to immigrate legally, combined with the worsening economic conditions, as creating fertile conditions for another massive illegal migration from Cuba. So, this policy may backfire.

Our current policy is a significant departure from the historical American generosity toward those who have suffered for sharing American ideals. It also violates our proud tradition of encouraging

reunification of families. This mean-spirited policy has no place in America, and we should change it. It's the very least that our country can do to help the victims of Castro's repressive system. Thank you, Mr. Chairman.

NEED TO ADDRESS THE CUBAN ISSUE

Senator KENNEDY. Thank you very much. I know how strongly you feel about this, Senator. You have, I know, talked to me several times about this proposal. I am in complete sympathy with your objectives and have long been involved in trying to gain the release of political prisoners, especially the Bay of Pigs prisoners. We were able to gain the release of the last ones a year or so ago. They were in jail 25 years and they have difficulty in making the transition. They want to work. They do not want to receive any real charity and so there are a number of issues of human decency that we ought to be addressing and certainly yours is, I think, a very valuable recommendation to us. Thank you for appearing. I do not have any questions.

Senator SIMPSON. Mr. Chairman, I thank you. I know the work that you have done and when I was fortunate to Chair the committee, you and I moved in this area when others did not. I always appreciated your fine effort there, and I share the concerns you have about political prisoners, the length of imprisonment as being—what is that requirement? Well, I am ready to visit that. And family reunification, I am ready to visit those things. Those are things I have been involved in, and I think we should move carefully because we have these entanglements of foreign policy considerations. We have always recognized that and I pledge to—I know the intensity of your feeling about it. I pledge to work with Senator Kennedy in reviewing and considering the legislation. That is my pledge to you, sir.

Senator LAUTENBERG. Thank you both.

VOLUNTARY AGENCY WITNESSES

Senator KENNEDY. Our first panel will be representing the voluntary agencies. Some have just returned from field visits to critical refugee problems we are confronting today. Bayard Rustin has; is Bayard Rustin here? Fine. I was looking out for him. Karl Zukerman who is Chairman of the Committee on Migration and Refugee Affairs in the umbrella voluntary agency InterAction, and who also serves as Executive Director for HIAS; Doris Meissner, who is with the Carnegie Endowment for International Peace, who has had a long experience with immigration refugee issues, most recently, she was the Associate Commissioner of the Immigration and Naturalization Service. Roger Winter, Executive Director, U.S. Committee for Refugees, has just returned this weekend from a visit to southern Africa, to report on the refugee crisis in Angola.

I will introduce Bayard—he will be here shortly—who is Vice President, International Rescue Committee, and a member of the Citizen's Commission on Indochinese Refugees, which visited Southeast Asia a few weeks ago. He is no stranger to this committee. He has testified many times, including during the early days,

when we were considering the Refugee Act of 1980. Mr. Zukerman, why don't we start with you.

A PANEL CONSISTING OF KARL ZUKERMAN, CHAIRMAN, COMMITTEE ON MIGRATION AND REFUGEE AFFAIRS, INTERACTION, NEW YORK, NY; BAYARD RUSTIN, CHAIRMAN, CITIZEN'S COMMISSION ON INDOCHINESE REFUGEES, NEW YORK, NY, ACCOMPANIED BY JAMES SHERWIN, VICE CHAIRMAN, GAF CORP., AND CHAIRMAN, EXECUTIVE COMMITTEE OF THE INTERNATIONAL RESCUE COMMITTEE, NEW YORK, NY, AND ROBERT P. DeVECCHI, EXECUTIVE DIRECTOR, INTERNATIONAL RESCUE COMMITTEE, NEW YORK, NY; DORIS MEISSNER, SENIOR ASSOCIATE, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE, WASHINGTON, DC; AND ROGER P. WINTER, DIRECTOR, U.S. COMMITTEE FOR REFUGEES, WASHINGTON, DC

Mr. ZUKERMAN. Thank you, Mr. Chairman. I appear today——

Senator KENNEDY. We are going to take all the testimony for the record, so we would appreciate your summarizing, highlighting the important points. We are going to have a vote around 11:00 and then maybe a series of procedural votes, so we would like to be fair to everyone. We have got another panel behind and we will review your testimony in careful detail, but we would appreciate your emphasizing and highlighting the important points. Mr. Zukerman?

Mr. ZUKERMAN. Thank you, Mr. Chairman. I will speak less and hopefully, say more. I represent the national voluntary agencies who are in the migration and resettlement business. We represent a long tradition of service to the United States and to newcomers to the United States. There are four points I want—four areas that I want to deal with and I will deal with them rather briefly. One is the situation in Southeast Asia. Second is the situation now developing from Eastern Europe and the Soviet Union. Third is the matter of safe haven for Salvadorans and Nicaraguans and others, and finally, some serious offer——

Senator KENNEDY. I see Bayard; you are welcome here. We have started the hearing, the panel without you but you are just in time. We are glad to have you back. Please continue.

PROCESSING SOUTHEAST ASIAN REFUGEES

Mr. ZUKERMAN [continuing]. With respect to the processing of refugees to the United States. First, Southeast Asia. It is clear to everybody, I think, that first asylum is in serious danger in Southeast Asia. Nobody expected that we would be involved, or need to be involved, with refugees and other displaced persons in that area of the world for as long as we have but the simple fact is, that we continue to be involved. There continue to be refugees and other displaced persons in that area of the world for whom the United States has a lead responsibility, as it does for refugees around the world. The United States is an example to the world, I think, even as much as the United States commitment to humanitarian concerns that leads us to that conclusion.

It is clear that the patience of the Thai government is wearing thin. We have seen the actions, you know about those actions. They are of concern to us. We know that the American Government has

taken a number of steps intended to try and alleviate that situation. We think it has not done nearly as much as it could. We think we need to look, and I can be more specific if time permits later on, at certain of the specific situations. The simple fact is that more than half the refugees in Southeast Asia have been living in camps for four years or more and some things must be done to address that more effectively.

ORDERLY DEPARTURE FROM VIETNAM

I think we need to do some things on our end to break the backlog in the ODP situation. We recognize the intransigence and unreasonableness of many of the actions of the government of Vietnam, but I think there are some steps that we might take on our side to indicate greater commitment. I think, finally, in this area, I want to say that we ought to be dropping talk about ten years for Cuban prisoners. I think we ought to drop the three year minimum detention requirement for Vietnamese political prisoners. I do not know whether there is intended a comment by the administration in the three year requirement for Vietnamese and the 10-year requirement for Cubans, as to which suffer much more in prison, but I think both limits ought to be dropped. We ought to be prepared to receive political prisoners period.

EASTERN EUROPE AND SOVIET UNION

Eastern Europe and the Soviet Union, we see some modest increase in the flow of Soviet Jews being permitted to leave the Soviet Union. I wish I could say that the long-standing commitment of the United States to provide the resources necessary to resettle Soviet Jews who are eligible to come here, I wish I could say that that long-standing commitment has been met. We are not at all sure that there will be the resources necessary to do that from the American Government, for reasons which are inexplicable to me. For reasons which only the administration can explain, it has decided over the last 3 years, to try to eliminate the single most effective mechanism for funding the resettlement of refugees the United States has ever seen. It continues to try to do that by eliminating the matching grant program. Thank you to the Congress, both the Senate and the House have turned it around each year, but yet we see a reluctance to provide that kind of flow, not just for Soviet Jews, but for refugees generally. It is, as I say, the single most effective funding mechanism. It produces precisely the kinds of results we ought to have. It reflects an actualized partnership between the government and the voluntary sector. It requires each to put up a share and yet that is the program that the administration wishes to eliminate. Logic does not explain that to me.

DE CONCINI-MOAKLEY BILL

Let me move to the question of DeConcini-Moakley. We need to do something beyond the exercise of discretion which the Attorney General has refused to exercise. To provide safe haven for people who are in danger of their lives should they return, whether by persecution or just happening to be in the middle of a war. We need to do something and Moakley-DeConcini—in this House

excuse me, DeConcini-Moakley—needs to be enacted. The problem is that there is sufficient discretion to be exercised and the Attorney General of the United States, he has chosen not to exercise. That needs to be addressed directly.

PROBLEMS IN REFUGEE PROCESSING

Finally, we think the subject of who ought to be responsible for refugee processing to the United States needs to be re-visited. It was the sense of the Senate, in the discussions as they arose in the refugee act, with respect to the Refugee Act of 1980, that that processing ought to be done by the Department of State through its consular offices. We think we ought to look at that possibility again. The refugees admitted to the United States represent less than 2 percent of those entering the United States legally in any 1 year and all the others entering legally, are processed by the State Department. Probably it is more cost efficient to see that done by the State Department. Obviously, the State Department, through its consular offices, would need significant additional resources to do it. Lord knows they are seriously under-financed now, but we think, for the pure sake of efficiency and cost-saving, leave alone a greater connection and a greater possibility of coordination with respect to the foreign policy interest of the United States. We think those possibilities, those facts, ought to lead to a re-consideration of who has the responsibility of processing refugees to the United States.

Mr. Chairman, I have run through some complicated, even controversial, ideas rather quickly, but I bear in mind your time constraints. I thank you very much.

[The prepared statement of Karl Zukerman follows:]

Statement

by

Karl D. Zukerman

Chairman, Committee on Migration and Refugee Affairs

of the

American Council for Voluntary International Action (InterAction)

concerning Mid-Year Refugee Consultations

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to appear before you today to present the testimony of the voluntary resettlement agencies regarding refugee admissions. At this mid-year evaluation of U.S. refugee admissions and, by extension its policies toward refugees, we are witness to a continuing global refugee crisis. While the worldwide refugee population has steadily increased and faced growing dangers and hardening attitudes of countries of first asylum, refugee admissions to the United States since 1980 have declined by 70 percent. In FY 1980, the overall admissions ceiling was 231,000. In FY 1987, that number is down to 66,000 and, tragically, pressures are building in the Administration and among some in Congress to reduce even that low number in FY 1988.

When the Refugee Act of 1980 was adopted by the Congress, it was praised as a bold humanitarian initiative, a clear example of this country's capacity for compassion and welcome to the oppressed and persecuted. We are now told by some that the same nation which held out its arms so willingly to desperate refugees fleeing their homelands has become disinterested and fatigued. We do not believe these doomsayers. The United States has a proud record of welcome to those in need. It must continue to play this role, especially in Southeast Asia where the U.S. was so deeply involved for more than three decades. Any perception of a waning U.S. interest will have a depressing effect on the willingness of other nations to provide first asylum protection to those fleeing from persecution and strife, or to accept

refugees for resettlement. The first asylum countries have clearly stated that their willingness to provide a haven for refugees is contingent on an ongoing commitment by the U.S. and other free nations to continue sharing the resettlement responsibility.

Secretary of State George Shultz, in testimony before this Subcommittee on September 26, 1986, pointed to what he termed "frustrations and disappointments" that have hampered our nation's refugee admission programs. He cited the "Vietnamese suspension of interviews for the UNHCR's Orderly Departure Program," "the Cuban refusal to implement the Mariel Migration Agreement", and "the Soviet Union's continued refusal to allow those wishing to leave to do so, especially Soviet Jews." He pledged the Administration's efforts to resolve "these profound humanitarian issues." In our testimony today, we would like to address these concerns and note what U.S. responses we would consider to be adequate to the current circumstances. We also want to speak to the Administration's suggested reallocations of FY 1987 numbers, examine the conditions, region by region, in which refugees find themselves, and restate our support for legislation before Congress that would grant temporary safe haven to Salvadoran and Nicaraguan aliens in this country who flee the violence of their own countries.

While there is agreement in the international community that third country resettlement is the least preferred solution for refugees, it continues to serve at least two critical functions. Resettlement remains the only durable solution for refugees who cannot return home safely or stay where they are. Resettlement also plays an indispensable "safety valve" role in encouraging host governments to preserve first asylum opportunities, which are under assault in many parts of the world. Finally, a generous resettlement program by the United States sets a pace for other resettlement countries to emulate, further contributing to an international solution of an international problem.

The voluntary community, which we represent, consists of agencies, professional staff, community and church groups throughout this land who are committed to the protection and resettlement of refugees. We are concerned that fear of newcomers to our society might overbalance the American tradition of welcome. Our vitality as a nation derives from the contributions and the ingenuity of our immigrants and refugees from every part of the globe. In reaching out to people in need, we enrich ourselves. It is in this context that we speak today.

Refugee Admissions FY 1987

Judging from actual arrivals for the first three quarters of this fiscal year, it would appear that arrivals from Southeast Asia, including the Orderly Departure Program, will fall within the expected range. But admissions under Africa and Latin America will fall far short, and demands for admissions numbers from Eastern Europe and the Soviet Union, and the Near East will exceed available ceiling numbers.

The Administration proposes to reallocate 4,500 refugee numbers within the FY 87 ceiling of 66,000. Latin America will lose 3,000 numbers and Africa will lose 1,500. The proposal would increase the Soviet Union ceiling by 2,300 and the ceiling for the Near East/South Asia by 2,200. While it is far better that these numbers be reallocated than not used at all, the best alternative would have been to use the numbers in the regions for which they were originally intended. The small but significant increases from the previous year in the FY 87 regional ceilings for Africa and Latin America were viewed with much hope and optimism. The recurring shortfalls dramatically point up the field-level processing problems that persist in these two regions. We feel sure that all original regional ceilings could and should have been met. Overly restrictive access and attitudes unfortunately prevented this from happening in Africa and Latin America.

Southeast Asia

There are still more than 153,000 refugees in first asylum camps throughout Southeast Asia. Thailand is home to 116,000 of these refugees, as well as an additional 280,000 Cambodian "displaced persons" on the volatile and dangerous Thai-Cambodian border. The problems of preserving first asylum in Southeast Asia are heightened to crisis proportions by the duration of the Indochinese exodus.

We cannot allow the 12 intervening years since the U.S. military departure from Southeast Asia to distance us from our special commitment to refugees in that region of the world who continue to flee from oppression. In Thailand, particularly, patience is wearing thin for the "land Vietnamese," Cambodians, and the lowland and highland Lao, as signaled by camp closings, pushbacks of Laotian asylum seekers, and tolerance of excessive levels of violence and danger in the border camps. The Legislative Council in Hong Kong continues to press for repatriation of Vietnamese boat refugees.

Another dispiriting aspect of the Indochinese refugee situation is that more than 50 percent of the region's refugees have lived in camps for more than four years. These are the "long-stayers," and a resolution of their predicament should be the central focus of US resettlement efforts in FY 1988. Among the long-stayers are several groups that ought to be of special concern to the United States. These include about 4,000 Vietnamese in Hong Kong, several thousand Cambodians in Khao I Dang who were previously rejected for admission and should be reconsidered, and a significant number of highland and lowland Lao.

Other groups who are being ignored for resettlement also require our attention and response. They include Cambodian boat refugees in Phanat Nikhom, Cambodian refugees in Na Pho, Vietnamese unaccompanied minors and military defectors in Phanat Nikhom, as well as Khmer Krom on the Thai-Cambodian border.

We submit to this Senate Subcommittee that our government not only has failed to ameliorate the crisis situations in this region, but has even taken steps to wind down U.S. involvement in the area. The lives of refugees remain in danger. For these reasons, the voluntary agencies and their constituencies have supported the principles of recent legislation that would direct the necessary U.S. response to the continuing crisis in Southeast Asia. Currently, this legislation offers the only means of combatting the deteriorating refugee asylum and resettlement situation, the result, to a great extent, of a failure to resolve these problems through available administrative means.

On the positive side, we applaud the decisions made in FY 87 to authorize processing for some P-6 Vietnamese refugees in Indonesia and Malaysia, P-6 Cambodians in Khao I Dang among the "family card holder" group, P-1 through P-5 "ration card holders" in Khao I Dang, as well as P-5 lowland Lao in Na Pho. We urge that processing of P-6 "ration card holders" be implemented as soon as possible, before they are returned to the dangerous border camps. Processing of some P-6 Vietnamese in Hong Kong would go a long way in preserving first asylum there.

While we support the use of immigration and humanitarian parole channels to admit individuals who cannot be processed as refugees, we are increasingly disturbed that, in almost two years, fewer than 100 people have been moved to the United States via this initiative.

Orderly Departure Program

When in January 1986 the government of Vietnam suspended the UNHCR-supervised interviews for the Orderly Departure Program, there was a backlog of 22,000 persons who had been released for exit by Vietnamese authorities and interviewed by the U.S., but whose cases had not yet been adjudicated. Today this backlog has

been reduced to only about 6,000 persons, and still interviews have not resumed.

While we understand that the two governments continue to hold technical discussions in an attempt to resolve the problems leading up to the suspension, the voluntary agencies are concerned with the new restrictiveness inherent in current U.S. policies toward the Orderly Departure Program and barriers these may be presenting to productive dialogue. In a report published in November 1986 by member agencies of the Committee on Migration and Refugee Affairs of InterAction after consultation with the Bureau for Refugee Programs, Department of State, we identified several of these policy changes and provided recommendations for ensuring that the ODP continues to be the humanitarian program it was intended to be. A copy of this report, entitled The Orderly Departure Program: The Need for Reassessment, is submitted for inclusion in the record for the hearing.

A particularly troublesome policy shift has to do with the United States restricting the use of refugee visas for non-current immigrant visa beneficiaries and other family reunification applicants who do not currently qualify for an immigrant visa. This new policy has the effect of separating rather than reunifying families. Family reunification was one of the primary principles in establishing the ODP, and one to which we feel the U.S. must remain totally committed.

In addition to retaining a flexible approach to facilitating family reunification, the voluntary agencies urge the U.S. and Vietnamese authorities to cooperate for a resolution of one of the most significant problems faced by persons attempting to leave Vietnam via the ODP: the loss of entitlements people suffer once they obtain their exit permits. To alleviate this unnecessary suffering, we recommend the development of a coordinated U.S./Vietnamese mechanism whereby the issuance of an

exit permit would in fact be the first step in the process of resettlement to the United States.

Amerasians

Amerasians are another population for whom the United States has a very special relationship and responsibility. While no one knows the exact number of these children of U.S. servicemen still in Vietnam, we should do everything possible to encourage Vietnamese cooperation in facilitating their emigration.

In testimony before the Congress in the fall of 1984, Secretary of State George Shultz said of the Amerasians, "because of their undisputed ties to our country, these children and family members are of special interest ..." Indeed, these children should continue to receive high priority consideration when determining U.S. admissions levels and processing priorities. This commitment must continue to be communicated to the Vietnamese authorities. These are our children. We believe our government should do everything within its power to bring them home.

Vietnamese Re-education Camp Prisoners

We are also concerned about the present U.S. Government processing criteria for Vietnamese re-education camp prisoners, which requires a minimum term of three years. Our position is that persons should be eligible for U.S. processing regardless of their length of detention.

Eastern Europe and the Soviet Union

The Soviet Union seems to be relaxing restrictions on emigration for the first time since 1979. During May of this year, 871 Jews exited the Soviet Union, nearly the total number who left during all of 1986. Since the beginning of the calendar year, 2,302

Soviet Jews have emigrated, according to the National Conference on Soviet Jewry.

We support the department's efforts to prepare for increasing numbers of arrivals from the Soviet Union during FY87 by reallocating 2300 places to the Eastern Europe/USSR region.

If conditions for increasing emigration continue to improve, a large percentage of those emigres will seek resettlement in the United States. The FY 88 regional ceiling should reflect that likelihood. This Administration, its predecessors and Congresspeople of both parties have offered periodic assurances that were the Soviets to allow more Jews to leave, sufficient refugee admission numbers and adequate resources for resettlement would be made available. We are cautiously optimistic that now might be the time for those promises to be redeemed. We seek a reaffirmation of these assurances in the light of current and projected exits of Soviet refugees. We will look for appropriate remedies in FY 1988.

There appear to be under 2,000 Romanians remaining in the Third Country Processing (TCP) pipeline. The FY 88 regional ceiling should include these people, thereby bringing the Romanian TCP to a close. Some would-be emigrants have reportedly been subjected to government harassment, including demotion and expulsion from jobs, loss of housing, loss of public services, increased surveillance of correspondence and telephones, and, in some cases, arrest based on false accusations.

In addition to emptying the Romanian TCP backlog, the FY 88 regional ceiling should provide for released political prisoners who want to come to the United States. The U.S. ambassador in Vienna should continue to present the Romanian Minister of Foreign Affairs with lists of such people of concern to the United States.

FY 87 admissions from Poland were the largest of any nationality in the region halfway through the fiscal year. We understand that very few of those admitted qualified under the Polish ex-detainee and former political prisoner program. While we would support continued processing of Visa 93 cases from Poland, where appropriate, we recommend that immigration channels be explored for other family reunification cases in the absence of a well-founded fear of persecution.

Near East and South Asia

Refugees in the Near East and South Asia total more than 7 million people. Pakistan alone is temporary home to 2.8 million Afghans and thousand of Iranians. It seems assured that the reallocated FY 87 regional ceiling of 10,200 will be met easily. Given the deteriorating conditions facing refugees in the region, such a figure is unlikely to be sufficient to meet the need for a responsive and humane processing for FY 88. As heavily impacted as the region already is with long-staying Afghan, Iranian, and Palestinian refugee populations, the regional situation has grown worse in the past year in ways that are either producing new refugees or putting "old" refugees at increased risk. These new circumstances include:

- * Afghan bombing of Pakistan refugee encampments, as well as the planting of bombs in urban centers that are intended to drive a wedge between the refugees and the host community;
- * A dramatic increase in the flow of Iranian refugees into Turkey, causing increased tensions and reported cases of refolement;
- * The spread of the Iran/Iraq war in a manner that puts the Kurdish minorities of those countries at particular risk, at a time when Kurdish relations with Turkey are also at a low

point, which severely reduces their options for regional escape and protection;

- * The escalation of violence and ethnic polarization in Sri Lanka, prompting increased numbers of Tamils to seek refuge abroad;
- * The deterioration of protection for Palestinian refugees in Lebanon.

The refugee resettlement program out of Pakistan has been an important demonstration of U.S. commitment to Afghan and Iranian refugees in that country and, combined with our generous assistance programs, has contributed to Pakistani tolerance of its refugee burden. We support the State Department's March 1987 authorization of processing of Iranian applicants in Pakistan in Priorities P1 through P4 inclusive, and believe that such authorization should be continued again for FY 88. At the same time, we note that the October 1986 downgrading of married children, grandparents, unmarried children, and unmarried minor grandchildren from the P3 to the P5 category had the greatest impact on the Near East/South Asia region where processing only includes P1 through P4. To many refugees in the region - and to their families in the United States - the change seemed arbitrary and sudden. Consideration should be given, therefore, to making P- 5 processing available to the region.

The situation in Turkey is becoming increasingly tense. At a time when access of Iranian asylum seekers to Western Europe via Turkey has become increasingly difficult, Iran is now generating ever larger numbers of refugees over the Turkish frontier. Turkey has tolerated the Iranians as being "in transit" but these refugees have fewer and fewer transit options. In May 1987, Amnesty International charged that "the Turkish authorities were sending hundreds of men and women seeking political asylum back into Iran."

In order to stem the incidence of refoulement and to encourage Western European countries to begin orderly resettlement of Iranian refugees from Turkey, we recommend a comprehensive program of assistance and resettlement of Iranians in Turkey. We understand that the INS interviewed a limited number of cases in Turkey this year and that the Turkish government presented no obstacles to this effort. We also understand that Sweden and Canada have successfully resettled Iranians out of Turkey. We feel that such a program would have a positive impact on Turkey as a nation of first asylum and could help to relieve pressure on our West European allies caused by the spontaneous and irregular movements of asylum seekers from Turkey.

The situation facing Palestinian refugees in Lebanon has been grim for some years now, but recently has reached the point where there is virtual absense of any international or national protection. Although the solutions to this crisis are not admissions related, the U.S. should bend its efforts to improving the plight of these refugees wherever and whenever possible.

Africa

Refugee admissions from Africa in FY 87 will probably fall well below the original authorized admissions ceiling of 3,500. As of May 31, only 1,000 African refugees had entered the United States in FY 87, the majority of these from Ethiopia. While resettlement remains an obviously limited option for the 3 million refugees on the African continent, there are a number of situations in which resettlement in another country is necessary.

Sudanese tolerance for the estimated 900,000 refugees within its borders appears to be at dangerously low ebb. In March and April, authorities rounded up thousands of urban refugees in

Khartoum and forced them out of the city. UNHCR intervention helped to prevent the removal of 45,000 Eritreans. Clearly, processing of Ethiopians in the Sudan must continue in order to encourage the Sudanese government to preserve its generous first asylum policies. The Sudanese government must also be encouraged by the U.S. to discontinue prohibiting the exit of approved refugees for departure. Processing of some of the 17,000 Ethiopians in Djibouti should be renewed in FY 88. Resettlement in another country appears to be the only alternative for refugees from an urban background who cannot intergrate locally and who fear persecution if returned to Ethiopia. A controversial repatriation program, which saw the return of more than 2,000 Ethiopians in the last year, is expected to conclude some time in late 1987 or early 1988.

In Somalia, about 250 Amharas from Ethiopia continue to be held in detention at Shelembod camp. Treated with deep suspicion by the Somali authorities, their prospects for safe repatriation or local integration seem impossibly remote.

Resettlement of refugees from South Africa needs to be given higher priority in the coming fiscal year. This should include processing of refugees in Lesotho, as well as a small number of people in Tanzania who have withdrawn from liberation movements, have been granted only temporary asylum, and have been denied work authorization.

In southern Africa, and indeed throughout the continent, timely access to processing continues to be a problem. Thus far in FY 87, circuit-riders from the Immigration and Naturalization Service office in Rome have made one trip to Khartoum and one trip to Nairobi, Lusaka, and Gaborone. This situation could be improved by designating additional processing posts (in Lesotho, for example) and increasing the frequency of circuit-rider visits. Another option would be to allow consular officials, in the absence of INS officers, to process resettlement applicants.

Another effective use of refugee numbers in Africa would be to permit processing of current and former political prisoners directly from their country of origin.

Latin America and the Caribbean

Nearly 300,000 refugees live in UNHCR camps or settlements in Latin America, and many more are spontaneously settled without UNHCR assistance in Mexico, Honduras, Guatemala, Belize, Costa Rica, and Nicaragua. Estimates of those displaced exceed one million.

We welcome the State Department's FY 1987 directive outlining permanent processing procedures for non-Cuban refugee resettlement from Latin America. It is regrettable that no non-Cuban refugees as yet have been processed from the region. We recognize that local resettlement and repatriation are the preferred durable solutions to regional refugee conditions, but we hope this new program will fully and fairly address the circumstances of those needing third country resettlement.

We hope that the Intergovernmental Committee for Migration (ICM), as an implementing partner in this program, will take an aggressive role in locating refugees eligible for resettlement in the United States. While we recognize that the refugee resettlement programs of Australia and Canada are somewhat different from our own, their experience in resettling refugees, or those in refugee-like circumstances, from the region indicates to us that a substantial pool of potential candidates for the U.S. program does exist. The voluntary agencies and their affiliate offices in the region will cooperate by identifying those people whom we feel are in need and qualified for the U.S. refugee program.

Among the special groups that may be in special need of third-country resettlement are: Salvadorans in Mexico,

Nicaraguans in Costa Rica, and current and former political prisoners still in their country of origin.

We support the efforts of UNHCR and the various governments to implement formal repatriation plans for increasing numbers of refugees. However, in preparing and initiating these activities, we urge UNHCR and relevant governments to take every precaution to assure the safety of returnees. Recent reports indicating that some Guatemalan returnees have been unable to reach their home villages, and that Nicaraguan Miskito Indians may repatriate to conflict-ridden parts of their country, are particularly troubling.

We continue to be concerned by sporadic reports of violence against refugees in Mesa Grande and Colomoncagua camps in Honduras, and the Panili relocation camp in Nicaragua. Though not directly a protection issue, overcrowded conditions at the Alvaperal and Boca Arenal reception centers in Costa Rica are also troubling.

While we regret that the U.S.-Cuban immigration agreement of May 1985 remains suspended, we take it as a positive sign that the Cuban government recently expressed its intention to release 348 former and current political prisoners. We urge the U.S. government to lift the current requirement that political prisoners must have been imprisoned 10 years or more in order to be eligible for refugee processing.

Elsewhere in the region, we believe the State Department should continue to monitor the ongoing guerilla war in Suriname, which has forced at least 7,000 refugees to flee to French Guiana since last July.

Concern for the protection needs of refugees cannot be limited to areas outside the borders of the U.S. Rather, as the U.S. takes pains to fashion solutions for refugees overseas, it must also confront the issue of refugees and those in refugee-like

situations who seek safety in this country. Civil war and internal dislocation of large numbers of people are facts of life in El Salvador and Nicaragua today. Many of these are unwilling or unable to return to their country either because of the fear of persecution, or out of fear of the violence which continues to prevail in those two Central American nations.

This is an appropriate opportunity to reaffirm our strong support for suspension of deportation of Salvadoran and Nicaraguan refugees now in the United States, which is sought by the DeConcini-Moakley bill. While neither an admissions issue nor a durable solution to the crisis, it does outline a modest U.S. response to the very real needs of Salvadorans and Nicaraguans who must not be returned to the generalized violence which engulfs their homelands.

INS Role in Processing

In conclusion, we bring to your attention two trends that we have seen emerge regarding resettlement in this country, and a recommendation. One, already mentioned, is that admissions numbers have progressively decreased since 1980-1981. A second is that a broader and more diverse population of refugees is being accepted for resettlement from an increased number of places around the world. These trends, when coupled with the tight budget situation and the experience gained in the mechanics of refugee processing, lead us to a recommendation which we urge this Senate Subcommittee to consider. That recommendation is that the Immigration and Naturalization Service withdraw from refugee processing overseas and that these responsibilities be delegated to consular officers of the Department of State.

The more than 60,000 refugees admitted to the U.S. in FY 1987 will have been processed not only in Europe and Southeast Asia but in Africa, India, Pakistan and, in the near future, Latin

America. Licensed consular officials will this year issue more than 200,000 immigrant visas and more than 2,000,000 non-immigrant visas. Is it necessary to maintain a parallel overseas service within the INS with the primary function of processing 50,000 to 60,000 refugees? This represents less than 2 percent of those entering the U.S. with consular-issued visas. As scarce budgetary resources and Gramm-Rudman move to reduce expatriate staff abroad for fiscal and security reasons, we believe a continued INS overseas presence in refugee processing is anachronistic, costly and not really necessary. We believe the Senate, in considering the Refugee Act of 1980, came to somewhat similar conclusions. We urge that this issue be raised again, based on seven years experience since the Act was passed.

A review of the record of refugee processing over recent years would indicate clearly that the major bottlenecks have been a result of INS problems, primarily of a personnel and budgetary nature. The chronic shortage of personnel, both executive and clerical, has been and is a major source of problems in all areas. The procedure whereby INS circuit riders travel to certain posts on a limited basis creates processing and refugee admission problems of a major nature, to say nothing of the hardships this imposes on the refugees who often must wait for months for an INS officer to arrive. All of this is expensive, duplicative and, at the core, unnecessary, if not injurious to a U.S. refugee program which is, after all, a reflection of the policies of any given Administration, not any one federal agency. We believe the integrity and the quality of the U.S. refugee admissions program would be greatly enhanced, to the benefit of all Americans, if the present procedures were modified as we propose.

Our work with refugees over several decades has made us all too familiar with the tragic consequences of excluding from our shores those fleeing persecution. We have seen the exhilarating

results of welcoming refugees in times of urgent need. We believe this land of immigrants has benefitted tremendously from the resulting influx of new talent and energy. As beneficiaries of the American promise, refugees have contributed, in turn, to America's wellbeing. We believe that promise should remain a reality, and that our bounty and good fortune should be shared by those in this generation who are persecuted and face a life without hope and dignity. We urge in strongest terms that our government forge a refugee admissions policy designed to meet these pressing needs in ways that reflect America's highest ideals and aspirations.

**The Committee on Migration and Refugee Affairs of the American
Council for Voluntary International Action**

American Council for Nationalities Service
 American Fund for Czechoslovak Refugees
 Church World Service
 Hebrew Immigrant Aid Society
 International Rescue Committee
 Lutheran Immigration and Refugee Service
 Migration and Refugee Services, U.S. Catholic Conference
 Polish American Immigration and Relief Committee
 Presiding Bishop's Fund for World Relief/The Episcopal Church
 Tolstoy Foundation
 World Relief of the National Association of Evangelicals

STATEMENT OF BAYARD RUSTIN

Senator KENNEDY. Very good. Bayard, we would be glad to hear your testimony and we are glad to have you here.

Mr. RUSTIN. Mr. Chairman, Senator Simpson. The Citizen's Committee on Indochinese Refugees was established in 1978. It is composed of distinguished private citizens who share a common concern, the well-being of hundreds of thousands of Indochinese refugees who have fled their homeland, Vietnam, Cambodia, and Laos, since the Communist takeover of their native lands in 1975. The Commission believes that a sequence of events this year was sufficiently ominous to require us again, to mobilize to seek the world's attention to a growing number of problems in Southeast Asia. Our aim was threefold. First, to reassure the governments of the countries of first asylum, and particularly Thailand, that the American people continue to be committed to a just and generous resolution of the Indochinese refugee crisis.

Secondly, to assure the refugees that there is an on-going concern for their well-being. And thirdly, to propose certain specific, practical, and reasonable policy recommendations whose implementation we believe will be of benefit to all concerned. The Commission undertook a series of preliminary meetings with many of those interested in and responsible for refugee policy within the United States Government, the Congress, and the private sector. During our week-long stay in Thailand, we visited all the major refugee camps. We held extensive discussions with the Royal Thai Government, the United Nations High Commission for Refugees, the United Nations Border Relief Operation, the American Embassy, and numerous private agencies involved in refugee affairs.

FIRST ASYLUM IN THAILAND

As our report indicates, it is our opinion that issues of first asylum in Thailand and refugee protection are both intimately connected with, and reactive to, the policies of the major countries which have been resettling refugees and assisting them in their care and maintenance while in self-first asylum. The United States is the unquestioned leader in this regard, I am proud to say, and what we do or do not do as a Nation, is critical to what all other elements do. Let me, therefore, summarize the major conclusions and recommendations in our report.

First, we call on the nations of Southeast Asia, particularly Thailand, to continue to offer first asylum to refugees. We call for an end to push-backs and involuntary repatriation of those seeking freedom from tyranny and oppression. Secondly, we call for an increased level of protection for the refugees themselves. Thus, we believe that Cambodian civilian populations on the Thai-Cambodian border, must be moved out of the war zone. And that the UNHCR protection mandates be enlarged to cover all refugee populations and that greater effort needs to be made to ensure that refugees in UNHCR-mandated camps are provided the greatest protection possible.

CONTINUED COMMITMENT FOR RESETTLEMENT NEEDED

We also believe that the key, both to continued first asylum and to protection, lies with the insurance of a continuing commitment by the West, especially the United States, to assure the countries of first asylum that their needs and genuine concerns will not be forgotten. This implies an on-going resettlement program that is not only generous and compassionate and fair, but to the greatest degree possible, is dependable and predictable. This underscores that where there have been lapses in the quality of the processing of refugees, these errors must now be rectified. This implies that forgotten populations, such as the Khmer boat people and unaccompanied minor Vietnamese, will not be forgotten.

The responsibility for assuring the continuation and coherence of these policies ultimately, of course, rest with the administration. But the active role of Congress, we believe, is most essential. In this regard, we welcome the strong letter of support recently sent to Secretary Shultz by Senators Kennedy, Simpson, Hatfield, and Pell. Such demonstrations of bipartisan commitment to a decent, generous refugee policy in Southeast Asia, is most welcome. It is enormously important and it is greatly, gentlemen, appreciated. Thank you, Mr. Chairman, for this opportunity. I would like to submit our report and recommendations for the record. And Mr. Robert DeVecchi, who is with me, is executive director of the International Rescue Committee, and Mr. James Sherwin, who is a Commission member, and I, would of course, appreciate any questions which you might like to put to us. Thank you, again.

[The prepared statement of Bayard Rustin follows:]

PREPARED STATEMENT OF BAYARD RUSTIN

Citizens Commission on Indochinese Refugees
Mission to Thailand May 29 - June 4, 1987
Report and Recommendations

The Citizens Commission on Indochinese Refugees has just completed a mission to Thailand. During the course of its trip, the Commission visited the Cambodian refugee camp of Khao I Dang, the Khmer border encampments at "Site II", the Lowland Lao refugee camp at Napho, as well as the detention center for Lowland Lao at Nong Saeng, the Lao hilltribe camp at Ban Vinai, the Vietnamese boat refugees at Phanat Nikhom and the immigration jail facility at Suan Plu.

The Commission met with representatives of the Royal Thai Government, including the Ministry of Foreign Affairs, the Ministry of the Interior, and the National Security Council. The Commission also met with representatives of the United Nations High Commissioner for Refugees, the United Nations Special Representative for the People of Kampuchea, the United Nations Border Relief Operation, the International Committee for the Red Cross, the United States Ambassador to Thailand and the members of the American Embassy concerned with refugee affairs.

The Commission's initiative was due to three major and interrelated concerns.

1. The vital need to preserve first asylum, in Thailand and other countries of Southeast Asia, for refugees who continue to flee Vietnam, Laos and Cambodia. In this connection, it is of critical importance to note the root causes which lead these refugees to risk their lives in the search for freedom: the suppression of basic human rights by the Vietnamese authorities within their own country and against their own people, their continued subjugation of Laos, and their continued occupation of Cambodia, and the consequence of the genocidal acts of the Khmer Rouge. So long as these regimes create conditions which compel their own people to flee, there will be a need for first asylum and the guarantee of a safe haven. We strongly urge the ASEAN nations, the United States, and other countries of the free world to press for an urgent resolution of these problems and the restoration of basic human rights to the long-suffering peoples of Indo-China.

2. The need to guarantee basic protection to refugees in countries of first asylum. Refugees are the most vulnerable of populations. Those who risk their lives

fleeing oppression, tyranny and persecution must be given basic protection by the countries to which they have fled.

3. The need to insure the continuation of reliable, consistent, fair and compassionate refugee resettlement policies by countries of final resettlement. We believe that the United States has a special responsibility and leadership role in this regard, that the American people continue to offer a generous welcome to refugees in need, and that the United States Government has the authority and Congressional support for a continued commitment to refugee resettlement.

The Commission recognizes that a major portion of the responsibility for refugee populations has fallen on Thailand and the Royal Thai Government. We acknowledge with deep appreciation Thailand's efforts and contributions in this regard. We recognize at the same time the responsibilities of the free world, and especially of the United States to relieve Thailand of as much of this burden as possible.

The Commission makes the following specific recommendations:

Border Khmer

The safety and welfare of the 260,000 Khmer on the Thai-Cambodian border should be further safeguarded by bringing them within the protection of the UNHCR, in addition to the continued presence of UNBRO and the ICRC.

The 150,000 Khmer at the present Site II are in a war zone where protection is impossible, and should be moved to a safe location. During the Commission's visit, seven Khmer were killed by shelling of this camp and numerous others seriously wounded.

Since 1979, a generation of Khmer children has been born knowing no more of life than a refugee camp. There is every indication that the Cambodian conflict will not be resolved in the near future. It is therefore incumbent on the civilized world to ensure that this population has an opportunity for education, including primary and secondary schooling for all the children, as well as special programs for the handicapped.

The well-being and security of those at Site II would be enhanced by the establishment of a free market which would allow for a more varied diet and be conducive to freer interchange among the sections of the camp.

Khao I Dang

The nearly 22,000 Khmer refugees in Khao I Dang -- a camp synonymous worldwide with refugee compassion -- should be processed for resettlement as expeditiously as possible. The Commission takes special note of the rejected case load of over 12,000 refugees and concludes, consonant with the recommendations of the Ray Commission, that further review of these cases is imperative. The Commission intends to take this matter up with the U.S. Government immediately upon return. We also urge the speedy processing of the 7,000 Ration Card and 1,500 remaining Family Card holders. In the meantime, we ask the Royal Thai Government to allow this additional processing to be completed before any relocation of this population.

Vietnamese Refugees

The Commission is concerned by the increase in the numbers of Vietnamese boat refugees and the resulting overcrowded living conditions in Section C at Phanat Nikom camp. We are equally concerned with the plight of Vietnamese who have fled overland through Cambodia. Based on the 1986 Department of State Country Reports on Human Rights Practices in Vietnam, and the fact that Vietnam refuses to accept the return of those who have fled, such Vietnamese should have presumptive eligibility for refugee status. We will urge this position on our Government upon return.

Orderly Departure Program (ODP)

The Commission regrets the suspension by the authorities in Hanoi of ODP interviewing, and calls for its immediate resumption. This program should be the alternative to clandestine escapes in often unsafe boats, many of which have fallen victim to pirate attacks.

Lowland Lao Refugees

The commission examined the screening of refugees by the Royal Thai Government authorities with UNHCR

observers. We cannot help but conclude that the procedure would benefit from improvement. In particular, we urge greater UNHCR participation by international staff. We also urge the United States Embassy to take a more active role in reviewing all "screened out" cases in order to ensure that any refugees with valid claims for resettlement are identified.

The processing for resettlement of the 23,000 Lowland Lao refugees at Na Pho camp should be completed expeditiously. We conclude that there should be a complete and thorough review of all rejected cases to ensure consistency and fairness. This position, too, we will urge upon our return.

Durable solutions for lowland Lao refugees should not be foreclosed. In this connection, we would urge the U.S. Government to work with the government of Laos towards the establishment of normal immigration procedures and to explore the possibility of an orderly departure program from Laos.

Highland Lao

While the commission acknowledges the patience and assistance of the Royal Thai Government over the years in providing first asylum to highland Lao, we are deeply concerned by reports of push-backs and involuntary repatriation. We recommend that all Highland Lao seeking asylum and refuge in Thailand be permitted to enter the screening process, and if determined to be eligible, be allowed to enter one of the UNHCR camps.

We call on the United States to make an ongoing commitment to accept Highland Lao refugees who seek resettlement.

Vulnerable Populations

The commission notes the presence of a number of vulnerable refugee groups, many of whom have been in camps or detention for a period of years and for whom no relief is presently in sight. We call on the U.S. and other countries of resettlement to be particularly responsive to the needs of these populations, which include:

1. Khmer boat refugees
2. Khmer refugees in camps other than Khao I Dang

- 5 -

3. Khmer Krom (Ethnic Khmer born in Vietnam) on the Thai-Cambodian border
4. Vietnamese unaccompanied minors in Phanat Nikhom
5. Defectors from the communist army of Vietnam presently at Phanat Nikhom or at Site II

One final word. The Commission is deeply aware that the Indochinese refugee crisis has lasted for over twelve years. It continues to put a severe strain on the people of Thailand and all those involved with refugees. The strains are most telling on the refugees themselves, especially those who have been victims of violence, who have been in camp the longest, and who have been passed over or rejected for resettlement.

We are concerned that severe mental health and emotional problems are on the increase and urge the Royal Thai Government, the international organizations concerned, and the private voluntary agencies involved in refugee assistance, to be alert and responsive to these circumstances.

Bayard Rustin - Chairman
Liv Ullmann
James T. Sherwin
Robert P. DeVecchi
Donald Saunders
Betsy Trippe DeVecchi
Hiroko Sherwin

Senator KENNEDY. Thank you very much, Mr. Rustin. Next we will hear Doris Meissner. We are delighted to have you here.

STATEMENT OF DORIS MEISSNER

Ms. MEISSNER. Thank you. Good morning. My statement this morning outlines a suggestion for the committee's consideration for a modification that might be made to the refugee act. My suggestion, very simply, is that we think about creating a special humanitarian status refugee to supplement the status of refugee outlined in the U.N. convention definition and in our statute at the present time.

As you will recall, before the passage of the refugee act, refugees were admitted to the United States largely through the exercise of the Attorney General's parole authority. There were serious legal problems and program problems associated with the exercise of the parole, but one of the strong points of the parole authority was that it was a vehicle for responding to compelling humanitarian and foreign policy situations, without a requirement for an individual to show and prove a well-founded fear of persecution on a personal basis. During the years that parole was used, people were interviewed individually, but the interview established whether or not they were eligible as immigrants to the United States; it did not go into the particular reasons for their refugee status because that already had been determined by the government's having decided to authorize a parole program.

CHANGES UNDER THE REFUGEE ACT

Now, the Refugee Act, of course, introduced a very new element to that history, that historical pattern, of admitting refugees to the United States. We incorporated the United Nations definition of refugee into our statute and we now determine that individuals who are to be admitted individually demonstrate the well-founded fear, based on the five grounds, race, religion, nationality, political opinion, and membership in a social group. After 7 years of experience with the act, I think we are learning something about how fundamental that change was and how difficult it is to operate a refugee policy with that stricture in the statute. The well-founded fear standard is a very strict one.

The people who come in the first waves of refugees, when a refugee situation arises, are generally quite able to meet that standard. But when a refugee flow matures, a mixture of reasons account for flight by a particular population begin to come into play. More and more a group resembles an immigrant population rather than a refugee population. Southeast Asia, of course, is a very good example at this time. As this change occurs, obviously, our policy should shift, and we should be admitting people as immigrants to a greater extent. This has been the position that the government has taken. The Ray Panel corroborated that view. But what we are learning is that it is extremely difficult to carry out that policy. The reason that it is difficult is because there is a gap in the statute that makes it hard to shift from a refugee flow to an immigrant flow and remain consistent with the statute as it is written.

PROBLEMS IN MOVING FROM REFUGEE TO IMMIGRANT

The problem is, that in order to bring an immigrant to the United States, there must be a relative within the country that petitions. In most cases, that petitioning is not able to be done until the relative is naturalized. The 5-year minimum period that we require for people to become naturalized is a very long time to wait for a relative that is in a camp or in a difficult first asylum situation of one sort or another. And, the 5 years is generally a minimum rather than an average wait because the hemispheric ceilings and visa availability also come into play. Therefore we are often talking about very long periods of time for people who are in very difficult situations. This is, of course, no different for any other immigrant groups. The critical factor here is that the relative is often in a life-endangering situation.

The border Khmer are the group where this is most apparent today. The government has tried to respond to that situation by initiating a parole program. The parole program allows a way for people to come to the country who would otherwise be able to emigrate, but for the period of time that needs to elapse for the eligibility to be established. That's a reasonable approach. But ultimately, the parole is really not an answer because parole, as it is written in the statute today, is not intended for such a purpose, and parole is a limbo status. People never can adjust to permanent resident unless they have another basis of eligibility. So it is a problem.

NEW STATUS NEEDED

What I believe we need is a status that bridges the gap for this time period and for the situation that we find when a refugee flow begins to move into an immigration flow. Such a status would serve the purpose that parole historically served, but it would be based on reasons of special humanitarian factors. In addition to the problem of refugee flows maturing to become immigrant flows, there are other situations that we see as we have more experience with the Refugee Act where a special humanitarian approach would be suitable.

One of them is in situations where there are refugee flows from countries that we view as allies to the United States. The Act, of course, envisioned a universal application of the definition, but we all know that that universality has not been achieved. We still take the vast majority of refugees from Communist-dominated countries. To a large extent, that is because it is very difficult to initiate refugee programs from countries that we consider to be allies. It is not just difficult for this government. It would be difficult for any government. Making a refugee statement is making a very negative foreign policy statement. A special humanitarian program would take some of the sting out of that and would allow the United States to respond to situations, on a humanitarian basis, without the political overtones that a refugee program carries with it.

CANADIAN AND AUSTRALIAN EXAMPLES

I think it is interesting to note, in this regard, that the two countries that are our major resettlement partners, Canada and Australia, both have programs similar to the kind of thing that I am describing. In Canada, it is called the designated class refugees. They have two kinds of refugees: Convention refugees and designated class refugees. The designated class refugees come from countries that are named by their Cabinet at the time of their annual consultation. The Cabinet designation constitutes a finding that a refugee-like situation exists, and people then are interviewed individually, but interviewed for their eligibility to immigrate. About 60 percent of Canada's refugee admissions are through this designated class route, rather than through the Convention definition route.

The Australian program is called the special humanitarian program and it operates quite similarly. It is intended for persons who are in danger, but are still within their country or for persons who have suffered severe discrimination that does not rise to the level of persecution or who are victims of violence. They, too, include the discussion of this SHP, special humanitarian program, in their annual consultations.

So, I think we have to recognize, based on our experience, that refugee matters are very volatile and changeable, and that to carry out a refugee policy that is humanitarian and meets changing needs, requires more flexibility in the definition of a refugee.

CONCLUSION

Rather than watering down the Convention definition in order to meet the realities that are around us, my proposal would be to create a new status. A new status would not be, and should not be, seen as a way to increase the total annual number of admissions. Instead, it would be a way to achieve a mix that more nearly approximates the annual make-up of the refugee populations that we see around the world today. In so doing, I think we would move closer to universal application of the definition of a refugee that was a policy goal of the Refugee Act of 1980 but has not yet been realized. Thank you.

[The prepared statement of Doris M. Meissner follows:]

Statement

of

Doris M. Meissner
Senior Associate
Carnegie Endowment for International Peace

Mr. Chairman and members of the subcommittee:

Thank you for the invitation to participate in the mid-year consultations you are conducting today on the United States' refugee program.

My statement is not directed at the operation of the refugee program over recent months. It is, instead, a comment and a suggestion for the committee's consideration about a modification to the Refugee Act that I believe would allow for more effective and honest administration of the Act and that would provide needed flexibility to policymakers in carrying out the humanitarian objectives of the Act.

In brief, the suggestion is that we consider creating a special humanitarian status to supplement the status of refugee as we presently know it. Let me explain.

Before passage of the Refugee Act in 1980, refugee admissions, apart from the 17,400 per year allowed in the Immigration and Nationality Act, were made pursuant to the Attorney General's parole authority [Sec. 212 (d)(5)]. This authority, as you know, is very broad. It allows the Attorney General, in his discretion, to parole persons into the United States temporarily under such conditions as he may prescribe, "for emergent reasons or reasons deemed strictly in the public interest." The problems associated with this authority as the sole legal basis for bringing large numbers of people into the

United States became increasingly apparent and vexing to both the executive and the Congress during the 50's, 60's and 70's and constituted one of the important reasons underlying passage of the Act.

Although the legal and program problems associated with ad hoc parole actions needed to be corrected, there was an one attribute to the parole approach which I would like to recall. The circumstances that generated parole actions arose from compelling humanitarian and foreign policy concerns where it was deemed to be in the public interest to admit large numbers--often tens of thousands--of individuals to the U.S. We called these people refugees. Indeed the Hungarians, Cubans and South Vietnamese, for example, who were among the nationality groups who came to this country because of parole actions were in precarious situations of strong interest to the U.S. However, in these programs there was no difficulty deciding whether particular individuals qualified to come to the U.S. as refugees. People were interviewed individually but the inquiry was to establish eligibility under the Immigration and Nationality Act (INA) as to the exclusion bars that apply to all would-be immigrants not to establish whether the individual was eligible for admission as a refugee. That finding had already been made by our government based on the circumstances of a particular population, U.S. concern regarding the nationality group and the decision to authorize a parole program.

The Refugee Act introduced an important new element to this historical pattern. That element was the codification into U.S. law of the United Nations Convention on Refugees definition of a refugee. According to the definition, a refugee would now have to be not just a person who was part of a group that was of special humanitarian concern to the U.S. A refugee under the Act would also have to be a person who could individually demonstrate a well-founded fear of persecution on account of race, religion, nationality, political opinion or membership in a social group. Incorporating the Convention definition into U.S. law was consistent with our responsibilities as a signator to the

Convention and was an important step in shaping a coherent policy framework for refugee admissions to the United States. But it was also a significantly different and more stringent requirement for establishing refugee admissibility to this country than had been the decades-long practice under the parole approach.

We have now had seven years' experience with the Act. One of the things we have learned is exactly how different and sometimes confounding it is to apply the refugee definition in a way that upholds the integrity of the statute and is at the same time responsive to humanitarian and foreign policy needs.

The individualized "well-founded fear" standard is a strict one. Persons who are in the first waves of those fleeing radical changes in governments or similar refugee-producing situations are the most likely to meet the definition. But as a refugee flow matures, a mixture of reasons for flight comes into play. The characteristics of a long-standing refugee flow tend to resemble a would-be immigrant population in that persons have family connections in the U.S. or simply seek a new life away from a government or system they disdain. And yet the circumstances of their flight, the repressiveness of the government in their country or the first asylum conditions they are in engender strong reasons for a U.S. response.

The Southeast Asian population in recent years is a good example of this phenomenon. When it occurs, our policy should shift to emphasize normal immigration procedures in place of refugee processing. This, in fact, has been the position of the government and has been endorsed by the report of the Ray Panel which was delivered early in 1986. But this policy is hampered by a serious structural deficiency in our law--a gap--that makes it very difficult to carry out. The gap is this: family reunification depends upon the relative in the U.S. filing a petition to establish the immigration eligibility of his or her relative outside the country to qualify for an immigrant visa. To a large extent, the eligibility to file a petition comes only after the refugee in the U.S. has naturalized. After that the visa

issuance is contingent upon visa availability as established by the ceilings under the INA. Since persons cannot naturalize before being in the United States for five years, this means that, at best, persons waiting for family reunion must wait at least that long for it to occur. This is, of course, no different for other immigrant groups. The problem is that these relatives are frequently in desperate first asylum situations or in otherwise extreme conditions. To hold to a delay of five or more years, when relief is available but for the statutory time lag, is extremely harsh.

The caseload for which this has become apparent is the border Khmer. No longer designated a refugee population for purposes of U.S. resettlement, this group nonetheless presents compelling humanitarian circumstances because of the precariousness of the first asylum situation and the fact that some persons there have relatives in the U.S. and would be eligible at some future time to immigrate. The cruelty of forcing these people to wait for potentially many years under these circumstances has been recognized, and the government is attempting to address it through a parole program for Cambodians on the border and at Khao I Dang. Eligibility is for persons who are beneficiaries of approved immigrant visa petitions where numbers are not available, their close relatives or dependents and persons for whom resettlement is required for emergent or public interest reasons.

This is a reasonable approach to a difficult situation. But it is ultimately inadequate for parole is a "limbo" status. That is, parole provides a way to bring persons to the U.S. but it is to be for a temporary stay and there is no provision for eventual adjustment to permanent resident status.

What is needed is a legal status that can bridge the gap in time and definition between a refugee and an immigrant. Such a status should serve the purpose that parole historically has served but should provide for eventual adjustment to residency and citizenship. I envision such a status as that of a special

humanitarian refugee or immigrant. It would supplement the class of refugees provided for in the Refugee Act. For purposes of discussion I will refer to refugees under the Act as Class I refugees and the proposed humanitarian group as Class II refugees. I would include Class II refugees in the annual refugee program review and consultation process.

In addition to the problem of refugee flows that are changing to become immigrant flows, there are other refugee-like circumstances in the world today that should be addressed in a more forthright fashion where a humanitarian rather than Convention definition standard would be most helpful.

The Act envisioned a universal, politically neutral application of the definition of a refugee to replace the 1952 Act definition of refugees as persons from Communist countries or countries of the Middle East. We have not achieved that objective. The preponderance of admissions since 1980 has continued to go to refugees from countries under Communist rule. Despite the view held by some that anyone living under a Communist regime is persecuted, I believe it is fair to say that most serious observers agree that even among those persons from Communist nations who have been admitted as refugees to the U.S. since 1980, some may not truly be victims of persecution as described by the definition. One example is sports and cultural figures who defect. These persons enjoy the fullest largesse and opportunities available to anyone in their societies. We grant them refugee status because the fact of their defection could lead to persecution if they return. However, a more honest way to treat such cases would be to recognize the humanitarian bona fides of their decision and the disapproval we hold for the governments of their countries but not force them into an awkward "victims of persecution" construct as the only way to allow them to come here. A Class II refugee status offers a better solution.

Similarly, experience has shown that the government is extremely reluctant to allow refugee programs for people fleeing countries that are allies of the U.S. This is a problem that any

government would find difficult because refugee admissions correctly make strongly negative foreign policy statements. The U.S. should insist on certain human rights standards regardless of the implications for other areas of policy. Still, it is only realistic to concede that there are practical limits to this principle. A special humanitarian program would allow the U.S. to respond to particularly urgent situations without aggravating foreign policy tensions unduly.

A curious twist to this proposition is illustrated by the problems that have existed with Vietnamese officials throughout the unsatisfying history of the Orderly Departure Program (ODP). Among the flashpoints has been U.S. insistence on a refugee flow in this program in addition to family reunion cases. The refugee demand is irksome to the Vietnamese and they have been recalcitrant in response. If we had a humanitarian program to augment our refugee program, as do other nations in ODP, we might have greater success in reaching the political prisoners and other refugees inside Vietnam who are of interest to us and who deserve U.S. resettlement.

In considering a Class II refugee proposal, it is interesting to observe that our major refugee resettlement partners, Canada and Australia, both have a humanitarian program similar to what I have described that functions in tandem with their refugee program.

In Canada, it is called the designated class refugee program. The Canadian refugee program encompasses Convention refugees - those who meet the U.N. Convention definition - and designated class refugees - those who are in refugee-like situations but for whom a case-by-case examination regarding "well-founded fear" is not required. Designated class refugees can come from nations named by the Cabinet in annual refugee consultations. Nations remain on the list for one to two years and are then reviewed. The Cabinet designation constitutes a finding that a refugee-like situation exists for nationals of named countries and that it is the policy of Canada for domestic,

humanitarian and foreign policy reasons to admit them if they qualify as immigrants. About 60% of refugees admitted to Canada at the present time are designated class refugees. Nations on the list include Argentina, El Salvador and the nations of Eastern Europe. Designated class refugees are eligible for the same benefits and services in Canada as Convention refugees.

The Australian program is called the Special Humanitarian Program (SHP). Supplementing the refugee program through which persons are admitted who qualify according to the international definition, SHP was developed to meet the interests of groups within Australia wishing to sponsor persons not fully in refugee status. SHP is for (a) persons who are not outside their country of nationality, for example Salvadorans and Chileans at present, or (b) persons who have suffered severe discrimination but not persecution, have been victims of violence, or who are in jeopardy for a range of reasons toward which Australia is sympathetic. SHP is included in the annual refugee consultation process and persons who arrive in Australia under SHP have the same benefits as refugees and have permanent resident status.

It is a serious question whether, in light of changed times and public attitudes, it is wise to invite amendments or changes to the Refugee Act. At the same time, it is important to evaluate our experience, learn from it and devise improvements for the future. Among the things we have learned from our experience with the Act is that the definition establishes a standard that is not altogether synonymous with circumstances of compelling humanitarian need or concern to the U.S. as they arise in today's world. We have three choices: we can turn away; we can dilute the integrity of the definition; or we can find a way to introduce more flexibility into our law and policy. An attempt at greater flexibility has already been broached by the government in its border Khmer parole program. With Congress' concurrence, a somewhat fuller expression of this approach with other groups could be undertaken within the bounds of the present statute.

But parole is a flawed answer. We turn to it, even after

the attempt in the Refugee Act to return it to its original place in the scheme of the INA, because it is the only tool available to policymakers when flexibility is needed. This tells us something that should now be provided for in the Act. Refugee matters are highly volatile and changeable. To carry out a refugee policy that is humanitarian and meets changing needs requires greater flexibility in the definition of a refugee. The Convention definition should not be watered down by finding ways to apply it to persons who we legitimately wish to help but who cannot demonstrate individualized persecution. Instead, we should create a special humanitarian status. Class II refugees should become permanent residents upon entry to the U.S. They should be eligible for limited special benefits that are less than those accorded Class I refugees. This is because sponsorship, as practised with immigrants, would be a viable element for many Class II cases.

Creating another category of refugees as I have proposed should not be seen as a way to increase the total annual number of refugee admissions. It is instead a way to achieve a mix that would more nearly approximate the actual makeup of refugee populations around the world today. In so doing we would move closer to meeting the vision of a universal refugee policy that was such an important goal of the Refugee Act of 1980 but that has not yet been realized.

Thank you.

NUMBERS INVOLVED

Senator KENNEDY. Very interesting idea. I would like to explore it further with you. What are the approximate numbers you are talking about? If it was in effect today, what would you be talking about? Is there any way of knowing that?

Ms. MEISSNER. Well, what is our annual refugee number this year, 62,000?

Senator KENNEDY. Yes.

Ms. MEISSNER. I would not want to speculate. I mean, I think one would want to start with something like this in a very modest way because it obviously has the potential for being too broad and it would be difficult to make distinctions, but I would have to say that certainly, more than 10 percent, maybe as much as 20 percent of our current refugee flow, I think in all honesty, is really a humanitarian kind of a flow rather than a Convention definition flow.

STATEMENT OF ROGER P. WINTER

Senator KENNEDY. OK. Mr. Roger Winter, Director of the U.S. Committee for Refugees.

Mr. WINTER. Thank you, Mr. Chairman. We appreciate your continued willingness to hear from the voluntary agencies on these topics. I recently returned, last week, from a one-month visit to Uganda and to Zaire on Angolan refugee issues and my staff have recently been on both sides of the line in Angola looking at refugees and displaced people. I would like to make three quick points. First of all, with respect to Uganda, we should note that voluntary repatriation is alive and well. Over the last 2 years, Uganda, which 2 years ago was the fourth largest producer of refugees in the world, no longer ranks even within the top ten. All the Ugandan refugees that were in Rwanda have returned. Almost all that were in Zaire have returned. Most of those that were in Sudan have returned and they continue to return in significant numbers each month. I point this out because, although the institution of voluntary repatriation often seems to get lost, it is alive and well in the case of Uganda. We should study it for what it has to teach us and we should support it, so that what has been a very large refugee situation will not plague us at all again in the future.

MOZAMBIQUE

Secondly, with respect to southern Africa generally, we are, of course, faced with a man-made, region-wide catastrophe for refugees and displaced people. The situation in Mozambique remains critical. Mozambican refugees are increasing, particularly in Malawi. However, the good news is that an effective relief operation has been mounted. This subcommittee, through the actions it took last February, certainly helped in that situation and it is fair to say that the U.S. humanitarian response to Mozambique has been a good and substantial one.

CRISIS IN ANGOLA

Thirdly, however, there is an impending disaster with respect to refugees and displaced people from Angola. We should note that

the percentage of the civilian population that is displaced in Angola, either as refugees or internally displaced people, is larger than the percentage of the civilian population displaced in Ethiopia in 1984 and 1985. In the last 2 years alone, more than 700,000 civilians have been displaced. There are now over 400,000 Angolan refugees. I saw a lot of them—new ones—very emaciated ones—in Zaire just last week. Over 15,000 civilians have been crippled by mines. Over 55,000 children under five, died in 1986 from violence-related causes. Angola now has one of the highest infant mortality rates in the world. It has an outbreak of cholera in its capital, Luanda. The cities are swollen with displaced peasants from the rural areas and Mr. Chairman, there is no question that by this Fall, there will be a food emergency in Angola.

Within the next few days, we expect the United Nations to recommend to the Angolan government, that it declare a food emergency. We certainly think that that is warranted and is an action that the Angolan government should take very promptly. We also, think it is important that the United States and its Western friends respond to that food emergency promptly. And in addition we think it is very important that the U.S. respond also with money, so that the needs that accompany a famine emergency—the needs for medical assistance, for water supply, and other kinds of things, can be dealt with adequately.

Mr. Chairman, in the case of Angola, there seems to be no question that the volume of refugees and displaced persons is going to increase, perhaps significantly, in the near term. The U.S. does not have diplomatic relations with Angola. Indeed, the U.S. militarily supports the opposition to the Angolan government. But it has often been said, "children have no politics" and they will be the first to die in the situation that is facing us in Angola. Many of the children I saw last week were emaciated. They may turn out to be the lucky ones if this matter is not addressed promptly. Thank you.

[The prepared statement of Roger P. Winter follows:]

Testimony of
Roger Winter, Director
U.S. COMMITTEE FOR REFUGEES

on

REFUGEES AND DISPLACED PERSONS
FROM ANGOLA AND UGANDA

Mr. Chairman, I want to begin by thanking you for your continued willingness to listen to the views of voluntary agency representatives during forums such as today's. We notice and value your openness.

I have just returned from a month's trip to Uganda, where substantial repatriation of refugees has occurred, and to Zaire, regarding the situation of Angolan refugees there. Tom Brennan, a consultant to the U.S. Committee for Refugees, has recently returned from Zambia and from Angola, having visited locations under the control of both the government (MPLA) and of UNITA. He is here to answer your questions, as well.

Before turning to the principal focus of these comments--Angolan refugees and internally displaced persons--I would like to bring to your attention the remarkable change that has occurred regarding Ugandan refugees during the last two years.

Several years ago, Ugandan refugees were the fourth largest group of refugees in the world--following Afghans, Palestinians, and Ethiopians. Uganda also produced hundreds of thousands of internally displaced people and perhaps a quarter-of-a-million civilian deaths at the hands of Milton Obote's army by 1984. Abuses of human rights were so great in Uganda that in August 1984, the United States strongly condemned violence against civilians there in a rare and toughly worded statement.

On July 27, 1985, Milton Obote was driven from power, and, thereafter, a military council--also unable or unwilling to control the army's violence--was driven out of Kampala in January 1986.

Today, Ugandan refugees have already voluntarily repatriated from many nations, including all from Rwanda, virtually all from Zaire, and most from the Sudan. Those remaining in Sudan continue to repatriate in meaningful numbers each month.

I do not in any way mean to suggest that Uganda has become heaven on

earth. It has not. Its economy and infrastructure have been destroyed by the violence of Amin and Obote, and there is continuing instability in the north. But the current National Resistance Movement government preaches a doctrine of nonsectarianism and reconciliation, and its army is far more disciplined than those which preceded it. The result has been one of the largest voluntary repatriations of refugees in years. Uganda no longer ranks even within the world's top ten refugee-producing countries, a development that I encourage this Subcommittee to recognize and study.

x x x x x

There is now an intense and growing humanitarian crisis in southern Africa--even beyond the struggle inside the Republic of South Africa. This man-made crisis is region-wide, but it has affected most severely the countries of Mozambique and Angola. In each, massive numbers of civilians have been uprooted by armed conflict and displaced within their country or forced into refuge across international frontiers. The proportion of uprooted Mozambicans now greatly exceeds that of Ethiopians affected by the crisis of 1984-85. The same is true of Angolans.

The continuing conflicts in Mozambique and Angola are having a dire impact on the social and economic fabric of both countries. Repeated brutalization by contending forces has traumatized large segments of the Mozambican and Angolan populations, and this will have far-reaching consequences. Of even more immediate concern, massive population displacements and the disruption of supply links have created a food crisis in each country.

USCR has testified before several Senate and Congressional committees regarding the situation in Mozambique. Early this year, the U.S. Ambassador to Mozambique declared a food emergency in that country and noted the need for immediate and sustained assistance from the United States. Although new financial assistance has been sparse, the food assistance requested by our ambassador has been generously provided, and the government of Mozambique has been working wholeheartedly with U.S. and international relief agencies to meet the emergency needs of its citizens. The food emergency continues to prevail in Mozambique, and the conflict there continues to deprive some communities of relief supplies; but, for the most part, an effective relief operation has been mounted.

In Angola, however, there is new evidence that a humanitarian catastrophe looms large, and the situation of great numbers of people in that country grows more critical each day. Nearly half of Angola's population of 8.6 million have been uprooted by civil conflict during the past dozen years. Nearly 400,000 have sought refuge from the violence in neighboring Zaire and Zambia. Within Angola, millions of rural people have been internally displaced, including 700,000 forced from their villages within the past two years. The planting of mines in agricultural fields and village footpaths has crippled about 15,000 Angolans. The destruction of health facilities and decreased access to health care have resulted in one of the highest infant mortality rates in the world. UNICEF has calculated that approximately 55,000 children in Angola died from war or war-related causes in 1986. Urban areas are swollen with displaced rural peasants, and an outbreak of cholera is occurring in Angola's capital, Luanda, and in other urban centers.

Mr. Chairman, a week ago, I saw some of the 20,000 new refugees from Angola who have entered Zaire during the last several months, 6,000 into Sava, a small district of Bas Zaire province, alone. Spindly legs, distended bellies, and Kwashiorkor are comparatively common among the children. They report there is no food back inside Angola, and that planting has been disrupted by the violence, perhaps even consciously. As of the time I left, there was no firm count of new arrivals, nor was a program of assistance to them underway.

As in Mozambique, the massive displacement of the rural population inside Angola has seriously disrupted agricultural production, but in Angola, for reasons only the government can explain, an appeal for international assistance has not yet been made. Yet, it is clear that the 1987 Angolan harvest will meet less than half of the nation's grain requirements through April 1988, and parts of that country will face famine conditions by the end of this year. The magnitude of Angola's grain needs--the gap between production, stocks, pipeline shipments, and commercial imports on the one hand, and minimum consumption levels on the other--has been known for some time to be about 200,000 tons. Food is already scarce in some areas and the expectation of famine is one reason some rural refugees to flee into Zaire rather than to urban areas within Angola. Food analysts believe stocks in many parts of Angola will be exhausted as early as October or November, 1987.

Moving quantities of grain to Angola from sources in Europe or North

America--and even from other countries within southern Africa---is unfortunately a very time-consuming process. The tremendous destruction that has been inflicted on the transportation infrastructure within Angola will also tragically impede distribution of relief commodities. Clearly, it is already too late to meet the needs of some victims--infants and young children die first in such a crisis--but many can be saved if action is taken now.

The cumulative effects of prolonged conflict and population displacement in Angola are rapidly turning a tragic crisis into a true catastrophe. In the hope that an immediate and concerted effort by the international community may yet avert such a consequence, the U.S. Committee for Refugees recommends:

1) The government of the People's Republic of Angola should immediately declare a food emergency in Angola and request the United Nations to issue an international appeal for assistance;

2) The United States and other Western donors should respond promptly and favorably to Angola's food needs, drawing, wherever possible, on food surpluses in African countries, through the International Committee of the Red Cross, the World Food Program, and UNICEF; and

3) The United States and other governments should make substantial financial contributions to the International Committee of the Red Cross earmarked specifically for that organization's relief operations in Angola. It is important that financial aid accompany food assistance to assure that the transportation and the medical and water supply needs that accompany a food emergency are adequately addressed.

The U.S. does not have diplomatic relations with Angola; indeed, the U.S. militarily supports the opposition to the Angolan government. But as has often been said, children have no politics.

Mr. Chairman, many of the children I saw last week were emaciated. They may turn out to be the lucky ones if this this matter is not addressed promptly.



IS THERE PUBLIC SUPPORT FOR A RESPONSE?

Senator KENNEDY. Well, that is a very distressing report but, perhaps because of it, maybe we can get ahead of the curve a bit or at least try to begin to catch up, given what you have pointed out now. And given the magnitude of what we are going to be facing later on, you ought to try and figure out what we in Congress can do and we will have an opportunity to visit with you a little bit about that.

Let me ask each of you for a very quick response and that is, what are you hearing from your supporters? Are they as strong and as supportive of these kinds of activities as they were before? Are they expanding their generosity? Is it getting tighter? Would you take a crack at that, just as a matter of information?

Mr. WINTER. Certainly. Speaking of the kind of situation I am talking about in Angola, it has, because of the magnitude of the catastrophe that occurred in the Horn of Africa a couple of years ago, become a bit harder to turn people on. The burden is on us as political leaders, as voluntary agency leaders, to tell the message and tell it well and tell it clearly, because there is no question, at least in my mind, that the American public does respond very generously when they understand the message clearly.

Senator KENNEDY. I want to hear from each of you. Could you each take a crack at it?

Mr. ZUKERMAN. Well, I think there is no question that in the voluntary communities which my committee represents, there continue to be a willingness to assist in both overseas activity, as well as in resettlement here. There is absolutely no question about it. People are tired, but willing to go on. As long as the call is out there, as long as we are committed, I think, to believe that the Statue of Liberty still stands, I really believe America has an infinite capacity, its people certainly, to receive and resettle.

Senator KENNEDY. Bayard, what would you say on this issue?

Mr. RUSTIN. On this question, I should prefer that Mr. DeVecchi answer for us, if I may.

Senator KENNEDY. Fine.

Mr. DEVECCHI. Very briefly, Senator, if I may. The Citizen's Commission's visit to Southeast Asia was prompted, most largely, by pressures that we have felt from groups around the United States saying why aren't you doing more. It was a response to an increased sense of urgency among refugee communities, sponsors, persons involved with refugees. And if I could quantify it, I would say that we have found that in our appeals and fundraising for refugee related issues, that our fundraising efforts are every bit as successful as they have been in previous years, if not more so. We find that there is a sustained interest and concern for refugees in the country.

ADEQUATE SUPPORT FROM ADMINISTRATION?

Senator KENNEDY. Just let me ask quickly, again, Roger. In terms of the request for funds from the administration, what can you tell us about that? I know that is kind of a risky question but I would be interested. Does the process move ahead well? Are you

getting the kind of response? Is it shorter than it was before? Is it longer than it was before?

Mr. WINTER. I am sorry. I missed the first part of your question.

Senator KENNEDY. What I am interested in is what kind of support are you getting when you make appeals for matching funds and other special needs? Is it taking longer? Is it shorter? Is there more red tape? Is it a shorter time? Are you getting as much, percentage-wise, as you used to get? I would just be interested.

Mr. WINTER. I must say, in the case of Mozambique, we have found the U.S. response to be a timely one and an adequate one. If we have any complaints at all, it is that the U.S. has a tendency to put food up on the stump and not money, when it comes to this kind of a situation. We would prefer, where it is possible, for U.S. relief efforts to try to draw on food stocks that are available in contiguous countries, in other African countries. And we would, obviously, like to see money put up on the stump but in the case of Mozambique, we believe that the U.S. Ambassador, the Bureau for Refugee Programs, and U.S. AID have done a very responsible job.

Senator KENNEDY. Good. Anything to add, Mr. Zukerman?

PROBLEMS IN FUNDS FOR SOVIET JEWS

Mr. ZUKERMAN. Well, not with respect to Africa, but as I mentioned in my brief comments, the Department of Health and Human Services has asked for a re-programming of funds, some \$2 million—I am being approximate—with respect to the matching grant, to deal with the increased flow but it will only deal very partially with the increased flow of Soviet Jews heading this way. I do not know whether there is other money to be re-programmed. I do not know where it stands in the Office of Management and Budget. I wish I did. I wish I was optimistic about it. I also know that even if that re-programming was approved, it would not be sufficient to cover what we expect to arrive during this fiscal year in the United States and certainly no signs of any willingness to see it come up further than that.

I would add that there are other refugee groups now entering the United States, which my colleague—voluntary agency directors, would be only too happy to fit under that matching grant program, yet we continue to have a strong signal from the Office of Management and Budget, I guess that is the administration, to eliminate the program entirely. We think the Congress, if it can, ought to take that in hand and have it out, as it were, once and for all.

ETHIOPIAN SUCCESS STORY IGNORED?

Senator KENNEDY. Okay. Before I recognize Senator Simpson, I think one of the unfortunate aspects in the Ethiopian situation in 1985 is that we did not really tell what a good job Americans did over there. It was an enormous success. You still have a number of orphans and food needs. You have separated families and other problems, but the relief effort was an extraordinary achievement of the voluntary agencies yet I find so often, even when I mentioned it to the Secretary of State, that too often they do not know things that have gone well. This went well. And I think if the American people understood that it went well, there would be a better re-

sponse in the future. But it was kind of just left there. We were faced with a tragedy and then it just disappeared and I think this has been unfortunate. I think the world ought to know what the voluntary agencies did and what the American people did. They saved millions of lives in the Ethiopian relief effort.

Mr. WINTER. If I may? We have a particular problem in the case of Angola because there is almost, not an absolute, but quite a substantial lack of American voluntary agencies present in Angola so the logistics of handling what we believe to be necessary relief effort, are going to be that much more complicated.

Senator KENNEDY. And it may be worse if the vote this afternoon about an embargo on Angola is successful. Senator Simpson, let us introduce you with that one.

Senator SIMPSON. Mr. Chairman, I remember well the hearing we held about Ethiopia. You went there and indeed, your presence there assisted in the result we see there. Let that not go unaddressed. I do have some questions but I did not get here in time for an opening statement.

DIRECTION OF REFUGEE PROGRAM IN SOUTHEAST ASIA

Senator SIMPSON. I am concerned at the direction of our refugee program in Southeast Asia. I really am. Twelve years after our departure from Vietnam, our program continues to dominate and dwarf everything we do in the world. How can that be? Why don't we start paying attention to that? Mr. Winter is speaking with passion about Africa and was saying something just moments ago which is fascinating, that there are not many voluntary agencies in Angola. They are all in Thailand, and especially Bangkok, which is a remarkable place to be. Do not throw anything yet. So, we deal with people who were not even old enough to have thrown themselves in with us in Southeast Asia. How can that be?

That was 12 years ago. This year, we will resettle 32,000 persons from first asylum countries of Southeast Asia, despite the fact that many international observers have reported that the nature of the flow of persons out of Indochina has significantly changed. No one is challenging that. New arrivals are now more likely to be fishermen or farmers or young people sent out by their parents to find a new life. Nothing wrong with that. Fewer and fewer of them have reasonable grounds to fear any kind of individualized persecution by their government. Many, in fact, are virtually unknown to their government.

The changing nature of the refugee flow is bringing us to a point where there are more economic migrants than before, and fewer genuine refugees under the definition of the refugee act, and yet this program continues on with a momentum all its own. It throws into imbalance all of our other refugee programs, especially what we are going to be facing in Africa, and in the Soviet rejection—and now, suddenly, a generosity—with regard to Soviet Jews, and we have already adjusted some numbers. It causes us to diverge from our path with the two allies that have helped us the most, Canada and Australia. They are not even going to pick up their share of the load anymore because they say it is over.

REALISM IN RESETTLEMENT PROCESSING

I think it is totally unrealistic to expect that all 150,000 Indochinese now residing in first asylum in Southeast Asia will prove to be eligible refugees under our laws. Many have already been found by processing and re-processing and re-re-processing, not to be eligible under our laws. So we are now coming to the point where either we seek to change our laws, in order that we can accept those who have been or will be found to be ineligible, or we can quit gimmicking the system for some very self-serving and selfish advocates—I have met some of them myself, and then they begin honestly to acknowledge that some of those arriving, in fact, are economic migrants. We should then set out, in the company of our friends in this area, among both the resettlement and first asylum countries, in order to work out some overall, honest, common-sense solution—a solution that is not just one of overtones of emotion and guilt. We have done beautifully, thank you. No one has done better: we have resettled more people than all other countries, totally, on the face of the earth. And you would think that we were just sitting it out. That is a tiresome argument and one that I will not listen to, because I was here. Mr. Zukerman, you mentioned in your testimony that refugee admissions to the United States have declined since 1980 by 70 percent. I remember the year 1980 quite well: it was my second year. I think the extraordinary number of Indochinese, Cubans and Haitians that we admitted that year really almost strained our public support for a fair and generous U.S. refugee policy. That happened. I was here.

NORMAL FLOW

And I think that you remember, all of you, that the normal flow at that time was 50,000 persons. That was the normal flow at a time soon after Vietnam. Now it is 8 years later and the normal flow is 66,000 and it is still all distorted to Southeast Asia, when the problems of the rest of the world are increasing by seven-league steps. Who is misconstruing our fine work? I do not know, but I think it is a tiresome thing to listen to. Now you say that our government "has not only failed to ameliorate the crisis situations in this region, but has even taken steps to wind down U.S. involvement in the area." Yes, that is true, because every other voluntary agency group will tell you in private that it is time to wind it down. The Canadians have told us that it is time to wind it down, and the Australians have told us this. We have resettled over 50 percent of all Vietnamese accepted for third country resettlement, 85 percent of all Khmer resettled abroad, and over 95 percent of the Hmong. Now we have the groups going out and recirculating among the Hmong, the most indigestible group within our society, because they have got to keep up the numbers.

Now, as I say, do not throw anything from the back, but let's start getting honest with the situation. You know, button your shirt, your heart will fall out. Let's do something that is going to recognize that we have got a lot of people who are really refugees in the world, and meet every test of the U.N. and U.S. definition, and who are not economic migrants. With the pressure groups in the United States who say "send them, send them, send them,"

let's do them through the legal channels. Doris Meissner has an interesting suggestion, provocative and intriguing. I would like to hear more about that.

Well, that was not much in the line of questioning, but it sure is stuff in my craw. I have been there, and when people come up to you and say, "I have been here 19 years, Senator, and it is over." And "I am a volag and I am from Minnesota or I am from New York or I am from California, and this is over here." But you would never believe that with the constituencies that plow the ground in this situation in this place. Mr. Chairman, I do have questions. I will submit some of those in writing and appreciate your forbearance.

I know how hard you have worked here, and I intend to work just as hard here, but I do not intend to watch the continual obsessiveness of some of the groups that I have watched. I know they feel compassion. That I am not even arguing. But then you find later that they were linking up with someone who was doing some work for them in Massachusetts or New York. I have listened to that. There are certain groups who live in Bangkok, who just spend their every waking hour there trying to—I suggest that they load up their bags and head for Angola and Africa and try to do a little work there. It may not be quite as pleasant, but the need is greater because we have resettled everyone who is a true refugee, or we will, and we are doing it on a case-by-case basis. But that is not enough. I have had enough.

Senator KENNEDY. Well.

Senator SIMPSON. Quite a load, wasn't it?

Senator KENNEDY. Do you feel better? [Laughter.]

Mr. SHERWIN. Mr. Chairman, may I endeavor to respond to the Senator's comments?

Senator KENNEDY. Yes.

DEDICATED WORK OF VOLUNTARY AGENCIES

Mr. SHERWIN. First, I think, having just returned as a member of the Citizen's Commission from Southeast Asia, we certainly realize the terrible problems that still exist there but we would not disagree with Senator Simpson's comment that an appropriate balance should be struck amongst the refugee populations throughout the world and that Africa and Afghanistan and the others, Central America, all present their serious problems and we must address all of those equally. However, I think that it is the only point of agreement with the Senator's comments. As far as the question of Bangkok is concerned, we have met, in the course of our trip, hundreds of young refugee workers working for the Vol Ags, working for the State Department, working for the various governmental and private agencies involved. I think, without exception, I can say that we have never seen more dedicated, more sacrificing, more hardworking people, people who are true patriots and who are representing the very best that America has to offer and are carrying our flag high, and to suggest that those people are enjoying themselves in Bangkok—

Senator SIMPSON. I am not talking about those people. I am not talking about those people in the field one whit.

Mr. SHERWIN. I am talking, also, sir, about the people who are stationed in Bangkok and who are working on refugee affairs, government people and private people, and I think they are a tremendous credit to our country, without exception, and the circumstances of those in the field who are working alongside the refugees and who are enduring many of the privations of the refugees, are really something that makes your heart go out to them and they are a pride to this country.

REFUGEES VERSUS ECONOMIC MIGRANTS

Now with respect to the question of whether the people in Southeast Asia are increasingly becoming economic migrants, or whether they are still refugee populations, I would commend Ms. Meissner's proposals as being an interesting and innovative approach to the problem. I think what cuts across the comments that have been made this morning is that the processing of refugees is not working terribly well and that there are residual populations being created by the individual processing of refugees which is doing a disservice to our country. The tremendous efforts to which you allude, Senator Simpson, the resettlement of all of those refugees by this country, which has been a vast and enormous humanitarian effort, of which we can all be proud and which does credit to our country, those efforts are being subverted, minimized and, really, turned in the wrong way by creating permanent residual populations such as the 12,000 Khmer refugees in Khao I Dang, who have been there for 6 and 7 years, and by the new population of rejected Lowland Lao, who are being processed at the Napho camp presently, where there are 23,000 Lowland Lao, and also by the Vietnamese boat people in Phanat Nikhom and the overland Vietnamese at Site II, on the Cambodian border.

Those people are a thorn in the Thai's side because the Thai government views them as populations which are going to remain there forever and the Thais have a sense that there was a commitment made to move those populations from Thailand, a country of first asylum, to a country of permanent resettlement, the United States, Canada, Australia, France and so on. I think something must be done with respect to those relatively small populations to show some sense of movement amongst them, even amongst those that have already been processed by conscientious authorities of the United States government, the INS, the joint voluntary agency staff and the Ethnic Affairs officers. Something must be done to diminish those populations and show some movement so that the Thais do not feel that the commitment has been breached and that those smallish populations do not do a disservice to our larger cause. We will be submitting recommendations with respect to that to Deputy Secretary Whitehead, with whom we met before going over to Southeast Asia.

Senator SIMPSON. Mr. Chairman, may I just add that I have not said a thing about the field people in Thailand or those that are in residence there. I am talking about that peripatetic mass that flies back and forth to Bangkok in legion. That is who I am speaking of.

Mr. SHERWIN. I see.

Senator KENNEDY. Well, I will give you another one minute because I want to be fair to the next panel. I will give you a minute here.

Mr. SHERWIN. Thank you, Senator. Just one other comment. There are still people who are fleeing persecution in Southeast Asia. Liv Ullmann, who is one of the members of our committee, met a Vietnamese woman at Phanat Nikhom. She asked her why had she risked her life in a boat coming over the Gulf, in a leaky boat, and the possibility of piracy, and the woman said, I could be raped once, I could be raped twice, but that doesn't matter. I will have achieved my freedom. Someone like that exemplifies a true refugee. There are thousands and thousands of such people still escaping Communist persecution from Vietnam, from Laos, and from Cambodia, and we cannot turn our backs on those people, Senator.

Senator SIMPSON. No one does in this country.

ADMINISTRATION WITNESSES

Senator KENNEDY. Okay. I want to thank you very much. We have got a second panel this morning representing the administration. Regrettably, Jonathan Moore, the U.S. Coordinator for Refugee Affairs has fallen ill since his return this weekend from Southeast Asia. Testimony will be offered by the principal deputy, Robert Funseth, who is the Senior Deputy Assistant Secretary in the Bureau for Refugee Programs; accompanied by Alan Nelson, Commissioner of the Immigration and Naturalization Service; and Billie Gee, the Director of the Office of Refugee Resettlement, Department of Health and Human Services.

A PANEL CONSISTING OF ROBERT FUNSETH, SENIOR DEPUTY ASSISTANT SECRETARY, BUREAU FOR REFUGEE PROGRAMS, DEPARTMENT OF STATE, REPRESENTING AMBASSADOR JONATHAN MOORE, U.S. COORDINATOR FOR REFUGEE AFFAIRS; COMMISSIONER ALAN NELSON, IMMIGRATION AND NATURALIZATION SERVICE; BILLIE F. GEE, DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Senator KENNEDY. Mr. Funseth, I will ask you to move ahead and I hope you will extend our good wishes to Jonathan. If you will proceed?

Mr. FUNSETH. Mr. Chairman, Senator Simpson, and distinguished members of the committee, thank you for the invitation and honor to consult with you on the administration's refugee program as we near the end of this fiscal year and approach the consultations for fiscal year 1988. As you announced a few minutes ago, I am appearing this morning to represent the Department of State and on behalf of Ambassador Jonathan Moore, Director of the Bureau, who is ill. Ambassador Moore has asked me to convey his great personal regret at not being able to attend this hearing. He has just returned from accompanying Secretary Shultz to the meeting of the ASEAN Foreign Ministers in Singapore and a very intensive week-long visit to Thailand.

I know that he saw his appearance before this committee as a particular opportunity to report on that mission. In his dual role as

U.S. Coordinator for Refugee Affairs and Director of the Bureau, he was looking forward to this occasion to discuss with the committee issues which span the responsibilities of three Federal agencies represented here today. He has asked me to convey his personal regret. I am submitting his statement for the record to supplement my testimony and that of my colleagues from INS and HHS. I hope this submission of that and my own introductory remarks will be acceptable to the committee.

RESULTS OF ASEAN MEETING

Let me begin with a brief comment on the Foreign Ministers' meeting of the Association of Southeast Asian Nations, known as ASEAN. At the time of this annual event, there is a conference between the Foreign Ministers of the 6 states from Southeast Asia, the United States, Australia, Canada, Japan, New Zealand, and the European Community. This year, by mutual agreement, the issue of Indochinese refugees was given a prominent place on the agenda. At the conference, Secretary Shultz made it clear to these countries that the United States will continue to work to resolve the refugee situation in that part of the world and will maintain a vigorous resettlement program. At the same time, he asked the Southeast Asian countries to continue to uphold the principles of first asylum and to use their influence with Hanoi to try to get the Orderly Departure Program, which was unilaterally disrupted by the Vietnamese over a year and a half ago, back on track.

ORDERLY DEPARTURE PROGRAM

The ODP is the single most important practical means available to us to attempt to reduce the flow of clandestine boat arrivals. Without a safe alternative, people in Vietnam will continue clandestine, dangerous flight. We are very disturbed by this year's increase in boat arrivals in Thailand and Malaysia, which all observers correlate to the suspension of ODP interviews. Thus, the support of the Southeast Asian states to our call in Vietnam to permit the smooth functioning of ODP is particularly important. In this regard, I wish to commend the initiative of Congressional leaders, and particularly by you, Mr. Chairman, in introducing resolutions which reaffirm U.S. policy on the Orderly Departure Program from Vietnam of both family reunion and other humanitarian cases, especially Amerasians and former political prisoners. Let me repeat the firm resolve of this administration to do everything possible to accomplish the release from Vietnam of these persons of special humanitarian concern to the United States.

So, refugee issues were a major theme in these Singapore meetings and discussions with the Asian Ministers, as well as with Canada, Australia and Japan, were constructive. Secretary Shultz cited several times the June 11th letter from you, Mr. Chairman, and from Senators Simpson, Pell and Hatfield, as evidence of the broad and bipartisan support that exists within the U.S. Congress for actively addressing protection, assistance and resettlement needs of refugees throughout Southeast Asia. And he asked Ambassador Moore to convey his warm appreciation for the letter to its authors, which I am now honored to do.

MEETINGS IN THAILAND

During his meetings in Thailand, Ambassador Moore reaffirmed the pledge of U.S. steadfastness in seeing the Indochinese refugee problem through over the long haul with the Thai. He also cited budgetary, legal, and other constraints in our political process in dealing effectively with worldwide refugee needs, as well as the influence of various external factors on long-term progress, notably conditions and policies within the Indochinese Communist states. Ambassador Moore's sense is that a certain stabilization in our relationship with Thailand on refugee matters has been accomplished—perhaps a better understanding of realities and policies and a rededication to working hard and cooperatively on these truly intractable problems over a period of time.

He received limited reassurances of Thai cooperation, both on facilitating the continued processing of refugees for resettlement in the U.S., and on providing security and protection for especially vulnerable groups in Thailand. Yet, the situation remains very tenuous. The displaced Khmer in Site II, for instance, are not yet adequately protected. And the pressures of humanitarian needs, of the flow of economic migrants along with those fleeing persecution, off-take, build-up of long stayers, and continued violence; all remain precariously balanced.

Senator KENNEDY. Mr. Funseth, I am going to have to interrupt. As you can see, lights are going on. Senator Simpson will be back. We will have to recess briefly and then come back to take your other comments. Thank you very much and I apologize. We will stand in recess.

[Brief recess.]

Senator SIMPSON (presiding). Well, thank you, and on behalf of the Chairman, we will proceed, and also conclude the morning hearing. Senator Kennedy had a last minute conflict in Armed Services, and I am very pleased to be able to assist him. I promised him I would be judicious, and not have any further outbursts. Calm has now settled upon my bosom again. So, enough of that. I believe, Mr. Funseth, you were testifying.

Mr. FUNSETH. Yes, sir.

Senator SIMPSON. Please go right ahead.

REALLOCATION OF REFUGEE NUMBERS

Mr. FUNSETH. Thank you, sir. I will try to wrap this up and just discuss briefly the reallocation of the admission numbers. As you know, we have transferred 3,000 admission numbers from the Latin American ceiling and 1,500 from the African ceiling; 2,300 were transferred to the ceiling for Eastern Europe and the Soviet Union, and 2,200 to the Near East/Southeast Asian region. In Africa, the reason for the transfer there, sir, was because of Sudanese-imposed delays earlier in the fiscal year in the removal of approved refugees from the Sudan and fewer than anticipated refugee applications from southern Africa. The expected level of admissions from Africa is about 2,000 refugees compared to the 3,500 ceiling originally set.

Unfortunately in Latin America, unfortunately progress on Cuban political prisoners has been extremely difficult, as the

Cuban government continues its suspension of the Mariel Agreement of 1984—not only difficult but frustrating. Of the 4,000 admission numbers allocated for this region, 3,000 were set aside for Cuban political prisoners. Although only about 60 Cuban refugees have been admitted to the U.S. to date, we are hopeful that more will be allowed to depart through routine processing in the near future. In addition, the most hopeful development was a recent meeting in Havana between Monsignor DeMarzio of the U.S. Catholic Conference and President Castro, at which time, Mr. Castro informed Father DeMarzio that he, Castro, would allow a further 348 political prisoners to depart Cuba. We hope this development, which is being pursued, may lead to increased admission of political prisoners.

SOUTHEAST ASIAN POLICY FRAMEWORK

I also wanted to mention from Ambassador's testimony, the topic of the Southeast Asian refugee policy framework, which is a mechanism by which we are looking to alternatives to resettlement. For the past several years, we have been involved in an on-going effort to develop a framework for Southeast Asian refugee policy which would consider all the complicated aspects of this region's refugee situation. That effort continues. We are pursuing this effort within the administration through inter-agency working groups and with the international community, principally through the IGC, the *ad hoc* Intergovernmental Consultative Group on Indochinese refugees, comprising Australia, Canada, Japan and the United States, and with the UNHCR present at some meetings as an observer. Again, the issues are very complex but we are committed to sticking with them until the refugee situation in Southeast Asia is successfully resolved.

AIDS AND REFUGEE PROCESSING

On AIDS, the Acquired Immune Deficiency Syndrome called AIDS is affecting the refugee program as it is touching the lives of many thousands of people around the world and here at home. The implication for the refugee resettlement program's budget are extensive. Last month, Ambassador Moore established an interagency group to develop a policy framework for testing refugees prior to admission to the U.S., taking into consideration legal and regulatory authority, the role of multi-lateral organizations, technological capacity, timing of implementation, funding, and waiver procedures. I think I will close at this point, Mr. Chairman, in the interest of time. Thank you very much.

[The prepared statements of Ambassador Jonathan Moore and Hon. Robert L. Funseth follow:]

AMBASSADOR JONATHAN MOORE

U.S. COORDINATOR FOR REFUGEE AFFAIRS

Mr. Chairman and distinguished members of the Committee, thank you for the opportunity to consult with you on the Administration's refugee programs, as we enter the final quarter of this fiscal year and approach the consultations for fiscal year 1988.

ASEAN and Visit to Thailand

I returned at the end of last week from accompanying Secretary Shultz to the meeting of the ASEAN Foreign Ministers in Singapore followed by a six-day trip of my own to Thailand. I would like to begin my statement with a brief summary of these visits.

The Secretary made it clear to the ASEAN countries that the continuing commitment of the United States to work to resolve the Indochinese refugee situation was as strong as ever, and included a substantial resettlement program. He emphasized that the problem was an enduring one, and urged other donor and resettlement states to maintain their share in the long-term efforts required. At the same time, the Secretary asked the ASEAN countries to continue to uphold the principles of first asylum and humanitarian treatment of refugees, and to use their influence with Hanoi to try to get the Orderly Departure Program, which was unilaterally disrupted by the Vietnamese over a year and a half ago, back on track.

The ASEAN Ministers expressed their concern over continuing flows and reduced resettlement, and appealed to the international community to continue its assistance to Indochinese refugees, especially through resettlement. They also called upon the Vietnamese to stop perpetrating conditions which prolong the refugee problem and to take measures to ensure success of the ODP, and reaffirmed the continuing adherence of the ASEAN countries to humanitarian principles.

So refugee issues were a major theme in the Singapore meetings, and discussions with the ASEAN Ministers as well as with Canada, Australia and Japan were constructive. Foreign Minister Siddhi of Thailand requested that the U.S. resettle as many refugees as possible and assured us that his government would adhere to its present refugee policy and would continue to provide temporary refuge to genuine refugees. Secretary Shultz cited several times the June 11th letter from Senators Kennedy, Simpson, Pell and Hatfield as evidence of the broad and bipartisan support that exists within the U.S. Congress for actively addressing protection, assistance and resettlement needs of refugees throughout Southeast Asia, and asked me to convey his thanks for the letter to its authors.

In Thailand, I visited the camp at Ban Vinai, where more than 50,000 Hmong refugees are located, as well as the camps for displaced Khmer along the Thai-Cambodian border known as Site 2. I also met with many of the key players on refugee issues in Thailand, including officials in the Foreign and Interior Ministries, the National Security Council, the Prime Minister's office, the Supreme Command and Task Force 80 of the Royal Thai Government, and the UN Coordinator for Kampuchean humanitarian assistance, the UN Border Relief Organization, the International Committee of the Red Cross, the International Rescue Committee, Prince Norodom Ranariddh, and the U.S. Embassy, including INS.

During these talks, I repeated the pledge of U.S. steadfastness in seeing the Indochinese refugee problem through over the long haul with the Thai. I also cited budgetary, legal and other constraints in our political process in dealing effectively with worldwide refugee needs, as well as the influence of various external factors on long-term progress, notably conditions and policies within the Indochinese Communist states. We discussed at length a number of concrete processing and protection issues needing attention.

My sense is that a certain stabilization in our relationship on refugee matters has been accomplished, perhaps a better understanding of realities and policies, and a rededication to working hard and cooperatively on these truly difficult, intractable problems over a period of time. I received limited reassurances of Thai cooperation both on facilitating the continued processing of refugees for resettlement in the U.S. and on providing security and protection for especially vulnerable groups in Thailand. Yet the situation remains tenuous, the displaced Kmer in Site 2, for instance, are not yet adequately protected, and the pressures of humanitarian need, flow of economic migrants along with those fleeing persecution, offtake, build-up of long-stayers, and continued violence remain precariously balanced. We will need all the ingenuity, resourcefulness, and will we can muster to deal with them successfully.

Reallocation of Admission Numbers

Let me very quickly reiterate where we stand with regard to refugee admissions processing for this fiscal year, summarizing my letter to you of June 3.

As you know, it is always difficult to predict exactly what the refugee needs are going to be in the coming year. The Administration's initial determination is based on the best information available at the time. Situations change during the course of the year, however, and we need to make adjustments in order to make the best possible use of our resources to do the most good for the refugees. After careful review of all the information at hand and consultation in both branches, we decided to transfer refugee admissions numbers from those regions where there was less need than anticipated, to those where there were insufficient numbers to admit those refugees in need of resettlement. We therefore transferred 3,000 admissions numbers from the Latin American ceiling and 1,500 from the African ceiling. Some 2,300 were transferred to the ceiling for Eastern Europe and the Soviet Union, and 2,200 to the Near East/South Asian region. This reallocation took effect on June 18.

Regional Situation

Mr. Chairman, let me give you a region-by-region analysis of the current situation with regard to refugee admissions.

East Asia -- We currently expect to admit very close to the Presidentially-determined ceiling of 32,000 plus 8,500 for the Orderly Departure Program in FY-87. Our current projection is for admission of between 31,000 and 31,500 refugees. There are a number of variables which are difficult to control in the effective management of admission processing under a given ceiling: approval rates, access to and movement of refugees by first asylum countries, refugees on medical hold, and timing requirements of the English-as-a-Second-Language/Cultural Orientation program which has been so critical to the successful integration of refugees into American life. Obviously, without INS cooperation in a strong effort to approve deserving refugees, this year's record wouldn't have been possible.

Africa -- Because of Sudanese-imposed delays earlier in the fiscal year in the movement of approved refugees from the Sudan, and fewer than anticipated refugee applications from Southern Africa, the expected level of admissions from Africa is about 2,000 refugees, compared to the 3,500 ceiling originally set. We will continue to search for additional qualified candidates for U.S. resettlement in Africa.

Latin America -- Unfortunately, progress on Cuban political prisoners has been difficult, as the Cuban Government continues its suspension of the Mariel Agreement of 1984. Of the 4,000 admissions numbers allocated for this region, 3,000 were set aside for Cuban political prisoners. Although only about 60 Cuban refugees have been admitted to the U.S. to date, we are hopeful that more will be allowed to depart through routine processing in the near future. In addition, President Castro recently informed the United States Catholic Conference he would allow a further 346 political prisoners to depart Cuba, and we hope this development, which is being pursued, may lead to further admissions. Although few refugees from other Latin American countries have yet applied for admission to the United States under the program instituted in October of last year, we have recently set up special working agreements with UNHCR and IOM in order to pursue more vigorously efforts to identify potential candidates, which are now beginning to bear fruit. We expect to admit a number of refugees under the new program during the current fiscal year, and will have more details on this at the time of the regular annual consultations in September.

Eastern Europe and the USSR -- Emigration from the Soviet Union reached the highest level in five years in April 1987, and may increase still further. This is the principal reason we decided to increase the 10,000 regional ceiling established last fall. Admissions from Eastern Europe are expected to be at about the same level as FY-86.

Near East and South Asia -- By the mid-point of the fiscal year, 5,037 refugees had entered the United States under the 8,000 ceiling set for this region. Conditions in Afghanistan and Iran continue to produce larger than anticipated needs for U.S. resettlement of refugees from those countries. There are currently almost 7,000 applicants pending in this region. Reallocation will help alleviate some of these pressures, enabling most of the pending applicants already approved by INS to enter the U.S. before the end of the fiscal year.

Personnel Needs for Refugee Processing

To turn the reallocation of numbers into the actual entry of refugees into the United States requires not only reallocated numbers, but also reallocated resources, both program dollars and personnel. In this case the resources in question essentially are INS personnel, since we are for this fiscal year able to cover the expenses of processing and transportation.

The FY-87 reallocations will inevitably cause stresses and dislocations in manpower. For instance, in Rome, the personnel who will process the additional Soviet refugee applications will probably have to delay processing some other refugee cases; clerical staffing gaps in Frankfurt may hinder the ability to process all East European and Near Eastern refugee applicants at that post for departure this fiscal year; and because of changes in the composition of the population being processed for resettlement in Southeast Asia, additional INS manpower has been shifted to that region to help meet the need.

FY-86 Processing Pipeline

Although the regional ceiling for Southeast Asia was not changed under this year's reallocations, we need to keep a

steady eye on the future, on the pipeline of refugees who will be entering the U.S. in the next fiscal year. Because of the extensive English Language and Cultural Orientation program which is a critical part of our Indochinese refugee admissions program, the number of refugees we will admit in FY-88 is significantly influenced by the number of refugees accepted for admission in the last half of FY-87. We are currently estimating that approximately 11,000 refugees will be "in the pipeline" in refugee processing centers in Southeast Asia at the end of FY-87. We are working hard to meet that number, and wish it were higher. To the extent that this figure is less than approximately one-half of next year's anticipated admissions for East Asian First Asylum, speeded-up processing will have to be undertaken during the first half of FY-88, which is what had to be done and was done from last October through March.

Budget/Earmarking

Mr. Chairman, I am becoming increasingly concerned about the harmful effects that underfunding and earmarking could have on U.S. refugee programs throughout the world. Already, international organizations are pinched for resources, there is little investment in support of the first two "durable solutions" of voluntary repatriation and local integration, and protection measures for the displaced Khmer in the Thai border camps is poorly funded. Inadequate funding for the U.S. program could:

- diminish to inadequate levels our support for the international assistance effort through the UNHCR, ICRC, ICM, UNBRO, and UNHCR -- with a ripple effect among other donor countries which could undercut the vital work of these organizations -- both the political and the humanitarian impact would be serious;
- leave us unable to respond rapidly and effectively to refugee crises;
- prevent the admission of refugees in genuine need of resettlement in the U.S.;
- jeopardize our continued support of first asylum in Southeast Asia through reduced resettlement.

Not only is it vitally important that this humanitarian program be adequately funded, but also we need the flexibility to respond to situations which are constantly changing. The success of our response is measured in terms of human lives. That is why earmarking, even though springing from the best of intentions, can have such negative results on the effective management of the U.S. refugee program. The designation of funds for specific purposes and groups further intensifies the problem of reduced resources. When a pie is shrinking, and more portions are specially reserved, there is less to go around for all the rest. Clearly when this happens, the odds increase for real inadequacies in programs which do not get privileged treatment, and the problem of discrimination becomes very real.

Budget/Consultations

As mandated by the Refugee Act of 1980, the admissions ceilings are to be determined by the President after consultations with Congress shortly before the beginning of a given fiscal year. It is a process which has worked fairly well so far, but which contains a flaw which must be borne in mind as we continue to design, consult about, and implement our programs.

We have now already entered the FY-89 budget cycle preparation period. Because a considerable part -- roughly

one-third -- of the refugee program's budget is devoted to admissions, we base our budget projections on the best available information as to likely budget targets and the number of refugees which will need resettlement in the U.S. two years hence -- even though we have not yet consulted on FY-88 refugee admissions levels. Given this juxtaposition of the budgeting and consulting processes, there is serious risk that the budget process may unduly determine the admissions ceilings which by statute are to be set by the consultations process. As difficult as it may be, real resettlement needs must be carefully analyzed and consulted on in their own right annually just prior to the start of the fiscal year, separate from the budget figures established earlier under a different set of factors. This dual process is important to recognize and to acknowledge, and ultimately, the two elements must be reconciled, but along the way it is important to resist one prejudicing the other -- we must try to avoid the budget process arbitrarily driving the admissions outcome.

SEA Framework

For the past several years, we have been involved in an ongoing effort to develop a framework for South-east Asian refugee policy which would encompass all of the complex aspects of this region's refugee moraglio. We are continuing to work on a long-term strategy which is comprehensive, integrated and politically viable, and which, to use the words of Commissioner Nelson, "preserves the integrity of the refugee program, builds up the immigrant visa program, and offers some reasonable insurance against the eventual abrogation of first asylum agreements in the region."

A year ago, in these mid-year consultations, Bureau for Refugee Programs Director James Purcell outlined six basic components of such a framework. Since then, circumstances have changed, progress on some fronts has been less than hoped for, and certain other initiatives remain more ephemeral than actual, or more in the future than in the present -- all of which proves that a useful strategy must continue to be sought, must be flexible and patient, and must rely importantly on international consultation and cooperation. We are pursuing this effort within the Administration through interagency working groups, and with the international community through the Intergovernmental Consultative Group on Indochinese Refugees -- regular meetings with Australia, Canada, Japan, and the UNHCR -- which met most recently here in Washington last March 31.

AIDS

The proposed rule for required AIDS virus testing of all "immigrants and aliens" seeking to come to the United States promises major impacts for the refugee program which are not yet fully comprehended. Refugees have very different physical and political vulnerabilities and cannot simply be lumped together with immigrants for the purpose of implementing a new testing requirement. Budgetary, technological, logistical, foreign policy and humanitarian needs will have to be analyzed and developed into a flexible and viable plan. Last month, I activated an interagency group to develop recommendations for a policy framework for testing refugees prior to admission to the U.S. We will be working intensively into the summer, in close touch with the State Department, INS, DHS, and the White House.

Twin Threats to Refugee Policy

Let me say in conclusion, Mr. Chairman, that today the U.S. refugee program faces twin threats -- the threat to first asylum and the threat to the Refugee Act of 1980. As the numbers of refugees increase, and the pressure on local resources, services, and populations mount, there has been a noticeable tightening up in countries which have traditionally provided open, generous welcome to those fleeing oppression in neighboring countries. At the same time, there are increasing tendencies in this country which could undermine the essence of the 1980 reform act -- the principle of worldwide standards applied fairly, evenhandedly to refugees seeking relief from their desperate circumstances -- through favored treatment in relief and resettlement for certain groups. We must contend with both these threats.

Mr. Chairman, I want to take this opportunity to thank you and your colleagues for your concern for the plight of refugees and your support in our response to their needs.

ROBERT L. FUNSETH
SENIOR DEPUTY ASSISTANT SECRETARY
BUREAU FOR REFUGEE PROGRAMS
DEPARTMENT OF STATE

Mr. Chairman, Senator Simpson and distinguished members of the Committee, thank you for the invitation and the honor to consult with you on the Administration's refugee programs as we near the end of this fiscal year, and approach the consultations for fiscal year 1988. I am appearing this morning to represent the Department of State and on behalf of Ambassador Jonathan Moore, Director of the Bureau for Refugee Programs, who is ill.

Ambassador Moore has asked me to convey to the Committee his great personal regret at not being able to attend this hearing. He has just returned from accompanying Secretary Shultz to the meeting of the ASEAN Foreign Ministers in Singapore, and a very intensive week-long visit to Thailand. I know that he saw his appearance before this Committee as a particular opportunity to report on that mission. In his dual role as U.S. Coordinator for Refugee Affairs, he was looking forward to this occasion to discussions with the Committee of issues which span the responsibilities of the three federal agencies represented here today. I am submitting his statement for the record to supplement my testimony and that of my colleagues from INS and HHS. I hope that this submission and that of my introductory remarks summarizing Ambassador Moore's statement will be acceptable to the Committee.

Let me begin with a brief comment on the Foreign Ministers Meeting of the Association of Southeast Asian Nations, known as ASEAN. At the time of this annual event, there is a conference between the Foreign Ministers of the six ASEAN states and the United States, Australia, Canada, Japan, New Zealand, and the European Community. This year, by mutual agreement, the issue

of Indochinese refugees was given a prominent place on the agenda. At the Conference, Secretary Shultz made it clear to the ASEAN countries that the United States will continue to work to resolve the refugee situation in that part of the world and will maintain a vigorous resettlement program. At the same time, he asked the ASEAN countries to continue to uphold the principles of first asylum, and to use their influence with Hanoi to try to get the Orderly Departure Program (ODP), which was unilaterally disrupted by the Vietnamese over a year and a half ago, back on track.

The Orderly Departure Program is the single most important, practical means available to us to attempt to reduce the flow of clandestine boat arrivals. Without a safe, viable alternative, people in Vietnam will continue dangerous clandestine flight. We are disturbed by this year's increase in boat arrivals in Thailand and Malaysia, which all observers correlate to the suspension of ODP interviews and overall reduced departures from Vietnam.

Thus the support of the ASEAN Foreign Ministers to our call on Vietnam to permit the smooth functioning of ODP is particularly important. In this regard I wish to commend the initiative of congressional leaders, and particularly by you, Mr. Chairman, and by you, Senator Simpson, in introducing resolutions which reaffirm U.S. policy on the orderly departure from Vietnam of both family reunion and other humanitarian cases, especially Amerasians and political prisoners. Let me reaffirm the steadfast resolve of this Administration to do everything possible to accomplish the release from Vietnam of these persons of special humanitarian concern to our country.

In their statement the ASEAN Foreign Ministers declared that Vietnam is ultimately responsible for the resolution of the refugee problem in Southeast Asia and called upon Hanoi to resume the Orderly Departure Program and to desist from

perpetuating the conditions which give rise to refugees. They restated their commitment to providing first asylum -- on a temporary basis -- and urged the resettlement countries not to reduce refugee admissions numbers.

Senator SIMPSON. Thank you very much, Mr. Funseth. Now, we will hear from Alan Nelson, please.

STATEMENT OF ALAN NELSON

Mr. NELSON. Mr. Chairman, I also will be brief and would like to submit our full statement for the record.

Senator SIMPSON. Without objection, be it so ordered.

Mr. NELSON. We are pleased to join with Mr. Funseth and Mr. Gee on the mid year consultation. There has been a great deal of activity in the refugee processing, as well as in the consideration of policy and program planning. I might just give several illustrations from our testimony. So far, the INS officers in Southeast Asia have approved over 23,000 refugees. The allocation numbers are 32,000 and every indication is that this ceiling will be filled by the end of September and that there will be an adequate pipeline for the next fiscal year. It is somewhat interesting, despite what some of the critics have said who always are talking about alleged lack of processing, we are processing the numbers that are in the allocation and I think that we have done so very well and very effectively.

In that regard, we have detailed 6 officers from the United States to Thailand to process the refugee applicants. That is in addition to our regular staff. In our Rome district, which serves Europe, Africa and the Middle East and South Asia, all available personnel have been concentrating on refugee processing. A number have been re-assigned to work on that, to accommodate what could be an increase in the number of Soviet and Eastern European refugee applicants. In January of this year, INS opened a new office in New Delhi, India to expedite the processing of Afghans and Iranians in India and Pakistan. And approvals by this office for the first 7 months of fiscal year 1987 are already within a few hundred of the total approvals in this area for each of the last 4 fiscal years.

Mr. Funseth has already testified regarding the intention to shift certain allocations, so I will not comment further on that. Another interesting point relating the Immigration Reform Control Act, is that we have issued instructions now that persons accorded a temporary resident status under the immigration act, may now act as sponsors for relatives who make refugee applications. We believe this will ease the refugee application process for a number of people in the coming time.

PRIVATELY SPONSORED NUMBERS

We have been in on-going discussion with the refugee coordinator and others on the administration proposal which we think was unique regarding the 4,000 privately-sponsored allocation and we had hoped to develop some pilot programs; we certainly would hope the private voluntary agencies and refugee groups would be active in this. We think this is a definite, worthwhile type of program to pursue and we look forward to doing it and trying to obtain some actual programs in the months ahead.

Obviously we, Mr. Chairman, will be working closely among the administration agencies in developing the recommendations for the fiscal year 1988 admission ceilings and, obviously, we will be back

before this committee and other committees of Congress on that issue so I will conclude my testimony at this point.

[The prepared statement of Commissioner Alan C. Nelson follows:]

PREPARED STATEMENT
OF
ALAN C. NELSON
COMMISSIONER
IMMIGRATION AND NATURALIZATION SERVICE

Mr. Chairman:

I appreciate the opportunity to appear before you today, on the occasion of this mid-year consultation, to comment on a number of issues of interest to the Subcommittee, and to respond to your questions regarding developments in the United States refugee program that fall within the Service's purview.

The months that have passed since the annual consultation last September have been a time of much activity for the Immigration and Naturalization Service (INS) both in terms of refugee processing by our overseas district offices, and in terms of policy and program planning. By way of illustration:

- * Service officers in our Bangkok District have thus far approved over 23,000 refugees in Southeast Asia. Included are 1,000 from Malaysia and 1,000 from Indonesia whose processing was not anticipated at the beginning of Fiscal Year 1987 and which was accomplished by the use of stateside officers on temporary duty. We thus expect that the allocation of 32,000 for Fiscal Year 1987 for that area of the world will be easily filled by the end of September and that an adequate pipeline will exist with which to begin Fiscal Year 1988.
- * Six stateside officers are presently in Thailand on detail to process refugee applicants recently released by the Royal Thai Government for interview by final resettlement countries.

- In our Rome District (which covers Europe, Africa, the Middle East, and South Asia), all available personnel resources have been concentrated on refugee processing and several officers have been temporarily reassigned or rehired to accommodate an expected increase in the number of Soviet and Eastern European refugee applicants.
- During the first half of Fiscal Year 1987 three Central Office Refugee Officers were detailed to Athens, Frankfurt, Rome, and the Sudan to provide guidance and facilitate the refugee processing of a significant number of Czechs, Ethiopians, Hungarians, Iranians, Poles and Romanians.
- In January 1987, INS opened a new office in New Delhi, India, to expedite the processing of Afghans and Iranians in India and Pakistan. Approvals by this office for the first seven months of Fiscal Year 1987 are already within a few hundred of the total approvals in this area for each of the last four fiscal years.
- Based on actual refugee flows, we have notified the Congress of our intention to shift certain allocations from those regions where applications have been significantly below the ceilings to regions for which there were not enough refugee admissions numbers for the nationalities of special humanitarian concern. Using these numbers, we are prepared to increase interviews to assure that overall allocations are fully utilized.
- A Latin American refugee program has been developed for other than Cuban applicants and is presently in the start-up phase with the first INS "circuit rider" trip planned for July. This program, as it becomes more mature, will undoubtedly impact on the number of Central and South Americans entering the United States illegally for the express purpose of seeking asylum.

* Instructions have been sent to field offices worldwide advising INS officers that persons accorded temporary resident status under the Immigration Reform and Control Act may now act as sponsors for relatives who make refugee applications. This is expected to ease the refugee application process for many Polish, Iranian and Ethiopian refugee applicants during Fiscal Years 1988 and 1989.

* Two in-depth proposals for the use of 4,000 privately sponsored allocation have been sent to the State Department for their consideration. It is hoped that a pilot program can be inaugurated to utilize some of these refugee numbers before the end of the year.

I should like to comment specifically on two other important issues. These are: (1) proposals for alternative methods of processing refugees; and (2) the adequacy of refugee admissions ceiling for Fiscal Year 1987.

PROPOSALS FOR ALTERNATIVE METHODS OF PROCESSING REFUGEES

Senator Hatfield has already introduced S. 814. This bill would (1) require the President to allocate at least 28,000 admissions from East Asia for Fiscal Years 1988, 1989, and 1990; (2) specify how allocations are to be applied (i.e., at least 8,000 per year must be for persons who have been in first asylum countries for at least three years); (3) preclude denial of refugee status to potential preference immigrants; and (4) make the Secretary of State solely responsible for refugee admission decisions in East Asia. Other proposals have been made over the years to delegate the authority of the Attorney General to process and admit refugees to other agencies, notably the Bureau of Consular Affairs of the Department of State.

It is the position of INS that the original intent of the Refugee Act of 1980 was to provide for at least yearly consultations among representatives of the President and the Congress to determine appropriate admission levels. At a time, such as the present, when increasing numbers of persons appear to want to move from their homelands for family reunification and economic and social opportunity, we believe it to be unrealistic to mandate for years ahead the specific number of refugees which must be accepted from a specific geographic area. This does not mean that we do not anticipate a continuing and generous commitment to the resettlement of refugees from each Indochinese country (provided they meet the statutory requirements for refugee eligibility). Rather, it means that, in a constantly changing world, the best method of setting admission levels is through the yearly consultation process.

It is also our firm opinion that specific allocations should not be applied by action of law to unique populations (such as those who have remained in first asylum countries for particular periods of time). To set aside a large portion of admission numbers for a unique population would virtually exclude from consideration an equal number who may have very close ties to the United States through their past activities or through their relationships to American residents.

One of the conclusions of the Ray Panel was that many of those persons departing the Indochinese countries should be encouraged to apply for admission to the United States through normal immigration channels, in part at least, to provide for the admission, under the Refugee Program, of those to whom normal immigration is not available. Senator Hatfield's bill would vitiate this recommendation by requiring the admission, as refugees, of those who are eligible for preference immigrant classification.

Finally, the bill's provision which divides authority for refugee processing worldwide between the Attorney General and the Secretary of State would create a bifurcated refugee determination system with the prospect of uneven application of refugee admissions law and policy. We believe, on the other hand, that it is essential that the refugee consideration process be uniform and consistent. Further, we believe that the present mechanism in which Immigration Officers act in collaboration with their counterparts from the Department of State and Joint Voluntary Agency representatives has produced a system in Southeast Asia which has resulted in a fair, equitable and uniform pattern of refugee approval and admission which is consistent with the refugee determination process throughout the rest of the world.

It has sometimes been asserted that the use of Immigration Officers to process refugees is inefficient, especially when consular officers are widely distributed around the world and Service officers only circuit-ride to a limited number of posts. We believe that the present system is quite cost effective while having the added benefit of maintaining high quality, consistent refugee determinations.

Service officers are primarily posted in countries of first asylum where refugee applicants are concentrated. Replacement by consular officials would have to be one-for-one in these settings. In addition, immigration officers go on a regular basis to twelve other locations designated as refugee processing posts. The Bureau of Consular Affairs has generally been unsupportive of the proliferation of such designated posts because of the additional work which can develop. While in theory the presence of consular officers in embassies and consulates across every continent would spread the work and make it easier to accomplish, in practice such work would be scattered to many places with inexperienced consular officers and where no assistance would be available from

contract voluntary agency personnel. In such circumstances both efficiency and quality would suffer.

Finally, it has been argued that delegation of the Attorney General's authority to process and admit refugees to consular officers would avoid delays that result from regular but infrequent INS circuit-rider trips. Although circuit-rider trips are scheduled based on the accumulation of applicants at refugee processing posts, these delays are not overlong and do not place refugee applicants at risk.

In situations of extreme urgency, consular and political officers are directed to provide the facts of a refugee case to the Bureau of Refugee Programs and the Service by cable. If the circumstances warrant it, that is, if there is a real possibility of refoulement or significant harm to the individual, the Attorney General's parole authority can be exercised to admit exceptional cases to the United States, where they may file an asylum application to establish a lawful basis for remaining here.

ADEQUACY OF REFUGEE ADMISSIONS CEILINGS

As you know, Mr. Chairman, for Fiscal Year 1987, the following refugee admission ceilings were established:

Worldwide Ceiling: 70,000

Africa: 3,500

East Asia First Asylum: 32,000

East Asia Orderly Departure Program: 8,500

Eastern Europe and Soviet Union: 10,000

Latin America and Caribbean: 4,000

Near East and South Asia: 8,000

Reserve for Unanticipated Refugee Admissions Needs:
4,000

Importantly, these are ceilings, not quotas. We believe, however, that actual admissions during Fiscal Year 1987 will be close to these ceilings. Africa region admissions are expected to be 2,000. For East Asia first asylum, projected admissions are now 31,500. For the Orderly Departure Program (ODP), estimated admissions are placed at 8,500. We are disappointed to report, however, that interviews of ODP candidates are no longer being conducted in Vietnam because a renewed agreement on procedures has not yet been reached with the Vietnamese authorities in order to resume this program. Consequently, there may be very few ODP admissions after the end of the fiscal year. We do hope for a rejuvenation of this program. Africa and Latin America and Caribbean region admissions are projected to be substantially below the regional ceilings and we have recommended that a proportion of these admissions numbers be reallocated to areas of greater need. Assuming reallocation of numbers from other regions, Eastern European and Soviet Union admissions are projected to be 12,300 and Near East/South Asia admissions are expected to reach 10,200. Total admissions worldwide will, consequently, be about 65,000.

The refugee admissions ceilings, established annually through the consultative process set forth in the Refugee Act of 1980, are based on a variety of considerations. These include foreign policy needs and interests of our country; the need to be able to respond to emergency refugee situations that may threaten maintenance of open first asylum policies on the part of front line countries; the anticipated numbers of qualifying applicants for United States refugee program consideration in first asylum or, in designated instances, their home countries; how well refugees previously admitted are faring in terms of attainment of economic self-sufficiency and social integration; and the overall domestic budget.

At the present moment, I believe it to be premature to comment on precise requirements for Fiscal Year 1988 admissions ceilings. Much can happen over the course of the next several months to invalidate even the most firmly held needs estimates. There may well be need and opportunity for substantial inter-regional reallocations of refugee admissions numbers.

We appreciate very much this opportunity to comment on these refugee program issues, and would welcome the opportunity to respond more fully to any questions you or other members of your committee may have.

Senator SIMPSON. Thank you very much, Mr. Nelson. Mr. Gee.

Mr. GEE. I do not have any opening statement or comments, Senator, but I will be glad to answer any questions that you or other members of the subcommittee might have regarding the domestic refugee resettlement program.

BREAKDOWN OF SOUTHEAST ASIAN ADMISSIONS

Senator SIMPSON. Well, I thank you, sir, and I just have a very few questions, I guess, for Mr. Funseth. At the annual consultation last September, you gave us estimates of the likely pool of refugees from countries of first asylum in east Asia, the countries of origin of those applicants. What has been the breakdown in admissions so far this year, by ethnic group and by how much does this breakdown deviate from the original estimate as so expressed with specific regard to Thailand?

Mr. FUNSETH. You will recall that at our consultations, we did try to make an estimate of the likely pool of refugees in Thailand. For the Lowland Lao, we estimated the number of eligible applicants at 8,000. At the present time, we anticipate that about 5,400 Lowland Lao will be admitted. We estimated an eligible pool of 9,000 Hmong and we have processed 6,600 this year. Boat Vietnamese, we had only estimated 800 and that has increased by 500 to 1,300. And then the processing of land Vietnamese, we had estimated the pool at about 1,500 and because of delay in getting Thai agreement to begin processing, it amounted to about 47 so far. But we have resumed processing there and we hope that number will come up. So that the figures total up, of an estimated pool—and it was a pool, not a ceiling or a quota—of over 19,000. We processed about 13,000 this year. Then there is the carry-over in the processing pipeline, Mr. Chairman, so the numbers will be pretty close to the 19,000–20,000 that we estimated in September.

WHY INCREASED NUMBERS?

Senator SIMPSON. There appears to be a substantial increase in this number in the fiscal year up to 9,000 Hmong resettled in the United States?

Mr. FUNSETH. Right.

Senator SIMPSON. What is the rationale for that increase, given the many documented difficulties that the Hmong have encountered, especially in certain portions of the United States? It was not I that labelled them as an "indigestible" population. That is from one of the reports. So what is the situation there?

Mr. FUNSETH. Well, the situation on the Hmong this year is, quite frankly, more Hmong have come forward to UNHCR and indicated that they wanted to seek resettlement. They have been in the camps in Thailand for many years. And the reason more of them come to the United States than to other countries is that most of them had very close ties to us during the war in Laos. So we are taking more of them who want to be resettled. And, frankly, there has been increased pressure on first asylum for Hmong in Thailand and that, basically, is the reason. The Hmong have been there a long time. There has been a resistance in Laos that some of them had been involved in and as the years go by, it became appar-

ent this year that more and more Hmong were now seeking resettlement in the United States.

PROCESSING OF HMONG REFUGEES

Senator SIMPSON. The only reason I am troubled is, I think the Canadians and Australians have never processed that group in any significant numbers, and I would not like to see it happen that somehow these are to be persons that make up the difference between those eligible in other ethnic groups and the annual quota for East Asia. and I think it disrupts what I have thought to be always the good prospect for their eventual local integration or voluntary repatriation. And if a large scale resettlement occurs, I do not know how that can occur.

Mr. FUNSETH. Well, the population of registered Hmong, who are in the two camps, is about 56,000. The new Hmong that arrive, we hope, will be given access to the screening program in Thailand by which Lao, who arrive in Thailand, are first screened by the Thai with UNHCR monitoring. The fact is that the prospects for local integration have not looked good this year and we would not think that taking the limited number of people who have asked for resettlement, who certainly have a well-founded fear of persecution having fought with us in Laos, that we should not deny them the opportunity to seek resettlement. And we would hope that the longer goal of integration, which at the present time is not something on the agenda with Thailand by Thailand's preference, would not be excluded by this resettlement.

PROCESSING IMMIGRANTS FROM VIETNAM

Senator SIMPSON. Well, just a final question. I do remember that stability and repatriation and local integration were themes about that population just 2 or 3 years ago, and now the theme is resettlement. I am just inquiring if you can furnish anything further. One other thing on ODP. I know of your efforts to reactivate that and I commend that. I think we also have approximately 60,000 Vietnamese who have current immigrant visa petitions. I believe that you presently have 16,000 immigrant visa numbers available to those petitioners. I am concerned that in our probing on the Amerasian and re-education camp prisoner issues, and that is very important, that we have not paid sufficient attention to these less controversial issue of immigrant visa applicants. Have you made any attempt to split that group off from the more political groups? Have you asked the Vietnamese for access to this group alone, distinct from the others? I would be interested in your response to that.

Mr. FUNSETH. Well, we have certainly sought, from the Vietnamese, that they grant increasing numbers of exit permits to this population. But we have not split them off and the reason is that the memorandum of understanding, you will recall, between Vietnam and UNHCR, provided for a program for both family reunification and other humanitarian cases. And you and I, and you and others in the refugee program, we have had a lot of talks about reciprocity. We believe that it is very important that the names that we put

forward, are received in the same manner as we receive the names put forward by the Vietnamese.

PROCESSING PROBLEMS

The issue has not really been one of visa applicants, Mr. Chairman. The issue has been the nature of processing inside Vietnam, whether it be for family reunification, whether it be for people who are coming out as immigrants, or refugees. We have got only a very few former political prisoners out and some of them have come out on immigrant visas. The Amerasian program has been at a standstill. We have provided the Vietnamese with names of applicants who have been approved for immigrant visas. They understand there are more numbers available under the immigrant visa program and fewer under the refugee program. I think they understand that very well. But that has not been the issue in the present suspension which has not only affected the United States, it has affected Australia, it has affected Canada, and all of the countries participating in the ODP. It is an issue of how the people who are applying for this program will be processed.

USE OF HUMANITARIAN PAROLE

Senator SIMPSON. Yes. Well, there are many issues there. I think if we reach some sort of increased diplomatic activity there, we would be much better off. That is the long-held view. Commissioner Nelson, just a couple of questions. You talk about the policy of granting humanitarian parole to Cambodians on the Thai-Cambodian border who have current or approved immigrant visas. Could you just tell us briefly, which categories of people are eligible for your humanitarian parole program on the Thai-Cambodian border? What difficulties have you encountered in carrying out that program and what might we do to convince the Thai of the need for access to Site II?

Mr. NELSON. Mr. Chairman, the current policy for the border Khmer, where we will consider sympathetically requests for parole in certain categories, is as follows. Beneficiaries of approved but non-current Category 4 requests. Secondly, individuals who are closely related to and dependent upon beneficiaries of approved and current immigrant visa petitions and so forth. Third, other cases where there are emergent or public interest factors. These are, by the way, I think it is important to emphasize as we deal in these areas, decided on a case-by-case basis and must continue to be such.

Since this program has been in effect, there have been 151 requests approved. Only a small number, 13 so far, have departed for the United States, but only 327 requests have been received and of those interviewed, over 95 percent were approved. So it has been slow but there have not been that many applicants and there probably are a number of reasons for that. And I think it is important to go on, as I understand your question, and that this type of program, a parole program, probably like an extended voluntary departure program, will have to be very limited. We have done the deal with the Khmer on the border, who were exposed to the cross-border military exchanges and might be subject to involuntary re-

patriation. But to expand this to others, could have some serious problems.

It could be a signal that the United States is prepared to take Indochinese migrants who are in the economic stream, as you have expressed so eloquently, rather than those fleeing persecution. Obviously the Orderly Departure Program is critical. To get it reinstated, we all know that that has been a problem with the Vietnamese and hopefully, that can be done. But we must go through the normal system. We think that parole program is reasonable. We will continue it, but we cannot expand it.

REVIEW OF KHMER DENIALS

Senator SIMPSON. Yes. Just once more, please, if you could give your position on reviewing once again, the denied Khmer cases from Khao I Dang? Is that a group for whom we should consider using this humanitarian parole in the near future? And if we use this granting for a large number of people who do not qualify as refugees under our U.N. or U.S. definition, is it simply going to stimulate further departures on economically-based grounds?

Mr. NELSON. We think that exactly could be the danger, as you expressed and as you said so eloquently in your earlier statement, it is very probative in a review, re-review and several reviews. At what point do you end? What is so important for the record, for the public understanding, is that there is something like a 90 percent approval rate of the Khmers. So we are arguing about the 10 percent that have been rejected. It is like the glass half-full or half-empty, how you look at it. Here we have got a glass 90 percent full and some want to concentrate on the 10 percent empty; that is the problem.

The procedures, we think, are solid, for the determination and there is, of course, extensive involvement by the joint voluntary agencies, by State Department, and by UNHCR people. There have been reviews; there have been some turned around when there has been evidence presented, but you cannot just have a review for review's sake. And you cannot just get numbers for number's sake, but if at any time there is any evidence that we either missed something or did not take into account evidence of the person's qualifications, they will be reconsidered.

The system would be completely torn apart if you just keep re-reviewing cases until you finally get the answer that some would want. These denials, in our opinion, are justified. Again, a small percentage are denied. We must remember that in most denied cases, and that there is evidence that a lot of these have been involved in persecution activities, and nobody would want to grant these people admission. Now, again, as we have pointed out in the past, some of these can qualify to come through the immigrant stream at the appropriate time. So we think that system works, it works well, there is a fair adjudication, there is a fair review. That will continue, but to use a parole procedure or to continually re-review would not be either sound policy or meeting the mandates of the current law, in our opinion.

PREPARING LOCAL COMMUNITIES FOR REFUGEES

Senator SIMPSON. I thank you. Now, Mr. Gee, I have seen you and come to admire you and your work. With regard to the sizeable number of Hmong that will be admitted as refugees by the time this fiscal year is over, apparently, what has been the historical reliance of this particular group on various programs under your administration? What special arrangements are you making to prepare the local communities? What arrangements are you making to prepare local communities for their arrival, based on your previous knowledge?

Mr. GEE. With regards to plans for resettling an anticipated 8,900 Hmong before the end of the fiscal year, the State Department's Bureau for Refugee Programs has convened a special task force to consult with local communities destined to become home for the Hmong arrivals. I understand that the Bureau's task force has consulted with State refugee coordinators and chamber of commerce officials in the affected States in addition to DHHS regional office staff. In fact, a member of the ORR senior staff participates on the Bureau's special planning task force. By the way, she is currently in California for the purpose of assessing the situation in the Merced/Fresno area. She has also been in Wisconsin and in Minnesota which are the other two States with the largest Hmong populations.

Senator SIMPSON. Yes.

Mr. GEE. Most of the Hmong intended for resettlement in the next few months are primarily family reunification cases. On the answer to your first question, we keep records on refugees during their first 31 months in the United States. There are about 19,000 Lowland Lao and Hmong that have come in the United States in the last 31 months and approximately 13,000 of those are on some kind of public assistance, about 70 percent. In the last 12 years, approximately 62,000 of the Hmong have come to the United States and I am sure their percentage is much lower than that.

LENGTH OF DEPENDENCY STATUS?

Senator SIMPSON. How long do they stay in that dependency status?

Mr. GEE. Well, the states only report to us the number of refugees on cash and medical assistance during the first 31 months following their arrival to the United States.

Senator SIMPSON. What is that dependency rate now in California on refugees, percentage-wise?

Mr. GEE. This seems ironic to say but it has dropped. It is now 87 percent of the time-eligible refugees.

Senator SIMPSON. 80?

Mr. GEE. 87.

Senator SIMPSON. Oh, 87.

Mr. GEE. In CY 1985, it was 90 percent.

Senator SIMPSON. And the percentage in the rest of the United States is what?

Mr. GEE. Without California, it is about 40 percent. The total for all of them together is about 57 percent.

Senator SIMPSON. Still a really dramatic dependency rate in California, isn't it?

Mr. GEE. Yes. One factor that has slightly upped the national dependency rate has to do with a reduction in the time-eligible period from 36 to 31 months. Now, with the time-eligible period being a 31-month period, there are 7,000 fewer time-eligible refugees on public assistance this year than there were last year, even though the percentage rate has gone up.

RESULTS OF DEMONSTRATION PROJECTS

Senator SIMPSON. One final question and then we will conclude here. Both Senator Kennedy and I were interested in the proposal of demonstration projects. The House was also particularly interested—Rodino, Fish, Mazzoli, and Lundgren—in the demonstration projects currently underway to improve refugee self-sufficiency and diminish impacts on the local governments. So this is a status inquiry. What positive effects are you witnessing from the refugee demonstration projects in California and Oregon, particularly targeted assistance programs, and matching grant programs. I have heard Carl speak of that. I was one that joined in the letter to see that those were supported, the matching grant programs, but I want to know how it has worked after the 6 months have expired, and what about the Chicago project model? Just a very swift résumé there on those projects.

Mr. GEE. California estimates that its Refugee Demonstration Project, through June 1987, has resulted in 5,800 welfare grant reductions, 500 welfare grant terminations, and 325 sanctions. Cash assistance savings thus far are estimated to be \$1,580,000. While modest, the project has shown improvement in serving refugees.

In Oregon, the Refugee Early Employment Project through May, 1987, has placed 417 refugees in jobs, 357 of these being full-time permanent employees. The principal benefit of this project thus far is that refugees are obtaining employment far sooner after arrival, generally within the first six months, than they had prior to the project. Oregon did not expect to show cost savings until the third year of the project.

Massachusetts has submitted a final application for a Fish/Wilson demonstration project which is currently under review by ORR.

CONCLUDING COMMENTS

Senator SIMPSON. Well, I think we will all be interested in the results of that. Well, I thank you very much. I just would conclude and state very briefly that, in my earlier remarks, and they were said with great passion, I do not in any way want to imply that there are anything but very dedicated and compassionate people working in Thailand in the voluntary agencies and in Bangkok. I have visited personally in the field with those people up on the border, and I know the quality of those people there. I also know what they are telling me. I remember the visits, over a glass of suds and that is real.

Those I direct my remarks to are those who exert, and continually seem to exert, the real pressures from here, as if this country

were doing nothing, absolutely nothing. And that is not so in any way, not when you look at the score card. We will always be there to handle refugees. Mr. Sherwin, you mentioned the pathetic case and that is the one that will be here. But there are those who are simply economic migrants, from wretched conditions, indeed, they may be, but they do not meet the test of refugee. If that is not working, let's change the definition.

That is what I think we have to realize, and I would say—and I guess what I continue to see—is that it seems to me that we realize the nature of the flow in Southeast Asia has changed. The Ray Commission specifically noted that. Other commissions have noted that. And yet we still place this inordinate focus on these people as of "special humanitarian concern" to the United States. And without a doubt, they are people arriving in first asylum countries who do not meet the refugee definition, and a substantial number are very unlikely ever to meet that definition. That group is then referred to as the "residual population" that we must discuss.

And I simply would hope that we would discuss policies toward that group in an honest manner instead of one of emotion and fear and guilt. And let's do it realistically and honestly or else—I think the concern of mine is that we will not be there when another situation arises that requires our outpouring of generosity and our true, unquestioning compassion. My concern is that in Southeast Asia, the program there is so intensely focused on the minutest details, that other very fine, bona fide refugee situations elsewhere in the world tend to be overlooked and under-addressed.

We give a couple of glancing words to Afghanistan and Pakistan, another few glancing words to Ethiopia and Sudan, and spend 2,000 words on the issues in Thailand and Southeast Asia. That rhetoric, in my mind, should slow and honestly turn to these other areas. It is not a good analogy, certainly, to talk about Angola and Southeast Asia, at least as to resettlement. That will likely never be, although we never know when they might seek third country resettlement from there. Others have, that we never dreamed would want to come, but the whole world wants to come here. So I hope that as we deal with it, we can deal honestly with the issue and realize that there are other areas of the world that deserve our attention with the same intensity, but are not receiving it. That is what I am saying.

Senator Kennedy greatly regrets that he was unexpectedly called away to the Armed Services Committee. A number, obviously, of serious issues there, and ironically one is about protection in Southeast Asia and sparse resettlement from Latin America and Africa. That is where he has been called and he will pursue other issues later through letter and questions for the record. I want to thank the staff, Dick Day, Carl Hampe, and Jerry Tinker for setting this up. Thank you very much and that will conclude our hearing today.

[Whereupon, at 12:17 p.m., the subcommittee adjourned subject to the call of the Chair.]

APPENDIX I



Indochina Resource Action Center

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INTRODUCTION

In the face of troubling signals from first asylum countries in Southeast Asia, the Indochina Resource Action Center (IRAC) sent a fact-finding team to the region to assess the refugee situation from the perspective of former refugees, now U.S. citizens. In February this year, a five-member IRAC delegation including Le Xuan Khoa, IRAC's executive director, and four colleagues conducted an eighteen-day study tour to refugee camps in Hong Kong, Thailand, Malaysia, and the Philippines. Through arrangements by the State Department's Bureau for Refugee Programs, the delegation held several meetings with local government officials, representatives from UNHCR and other international relief agencies and, while visiting the refugee camps, conversed with their compatriots -- in their native languages. The following statement summarizes the findings and recommendations of the IRAC fact-finding delegation.

STATEMENT

There is a new refugee crisis in Southeast Asia -- a crisis resulting from a strange and artificial dilemma that both countries of first asylum and resettlement nations are now facing, the former with anger and the latter with embarrassment.

There are approximately 150,000 refugees in first asylum countries in Southeast Asia. Our unfortunate people are now experiencing a new crisis even more serious than the refugee overflow during 1979-80 because of its life-threatening nature. While hundreds of thousands of people who escaped communism during those years were received with sympathy and given ample resettlement opportunities, tens of thousands of refugees who remain in first asylum countries now face harsher treatment, push-backs, and forced repatriation.

COMPASSION FATIGUE AND HUMANE DETERRENCE

Since 1985, over ten years after the fall of Indochina, the United States and other resettlement countries have increasingly shown their growing lack of interest in the plight of refugees from Cambodia, Laos, and Vietnam. Here in Washington, on Capitol Hill and in government bureaucracies, we hear talk of "compassion fatigue," budget cuts, and how to stem a continuing refugee flow.

Annual refugee admissions to the U.S. alone have been on a downward slide -- from 14,000 per month in 1980 to only 27,000 proposed for the entire fiscal year 1988. To discourage refugees from continuing to flee the oppressive regimes of Vietnam, Cambodia, and Laos, international refugee policy-makers have acquiesced in silence or objected weakly to the following measures:

1. Humane deterrence camps;
2. Piracy on the high seas and acts of violence along both the Thai-Cambodian and the Thai-Laotian borders; and
3. Restrictive "screening" programs along the land and sea borders of Thailand.

And yet, despite widespread knowledge of these de facto policies and the life-threatening dangers of flight, refugees continue to escape.

For a while, the Orderly Departure Program from Vietnam has served as an alternative to clandestine flight; unfortunately, that legal route to freedom has now broken down.

THE RESIDUAL POPULATION

Increasingly restrictive requirements for acceptance to the U.S. program, in combination with plummeting admissions levels from all resettlement countries -- notwithstanding the so-called deterrence policies mentioned above -- has resulted in a growing residual population in the Southeast Asian camps. The number of long-stayers is augmented by newly "rejected" cases and by a surprisingly high birth rate of 4.5% (as opposed to the normal rate of 2.8% in Thailand and 1.6% in the United States).

REACTION FROM FIRST ASYLUM COUNTRIES

Faced with the prospects of a never-ending refugee flow and a long-term residual camp population expected to double every fifteen years, first asylum countries are beginning to react.

Hong Kong: In January, the Hong Kong Legislative Council released an ultimatum: "Give us a solution to the Vietnamese refugee problem in six months or we will tackle it our way." The Hong Kong government would be forced to devise its own solutions, which include repatriation, imposing a screening procedure on incoming Vietnamese refugees, and denying refugee boats permission to land in Hong Kong (from the South China Morning Post).

Thailand: Three refugee camps (Songkla, Sikhiu, and Khao I Dang) were closed in 1986. The Thai Ministry of the Interior recently announced that after June 30, 1987, there will be no further refugee processing outside the Phanat Nikhom Refugee Processing Center -- a move which would mean the virtual closing down of all other remaining camps in Thailand. It was further announced that language and vocational training provided by relief agencies would be banned from July on, as such training would be deemed of no use to people without hope of finding new homes in third countries. This Spring, there have been at least three dramatic incidents of push-backs and involuntary repatriation of Hmong refugees. In what is considered the most serious incident of forced repatriation from a *UNHCR* administered refugee camp, on March 15th, 108 Hmong were rounded up and evicted from Ban Vinai camp in Northern Thailand's Loei province. 38 were trucked to the Mekong River border and handed over to Pathet Lao soldiers on the Thai side of the border, who then took them across the Mekong under armed guard. The other 70 Hmong were incarcerated at the Pak Chom Detention Center. A separate group of 97 Hmong who came across on March 17 in search of asylum were stopped at the border checkpoint and returned to Ban Huai Hiam along the border. On March 19, these persons, comprising women, children, and elderly refugees, were put in a large boat and sent across to Vientiane -- without being given access to the border screening process.

Malaysia: Just this past February 24th, Malaysian Deputy Prime Minister Aodul Kadir Sheikh Fadzlin declared that Malaysia is closing one of the two existing refugee camps for Vietnamese boat people. Complaining of diminished refugee resettlement offers, Secretary for Defense Datuk Abdullah Ahmad Badawi said: "We have met our moral obligation. The time has come for us to say openly that this country cannot be expected to bear the burden forever."

The current refugee crisis in Southeast Asia consists of a double-edged dilemma:

1. The rapid unravelling of first asylum and protection for refugees in Southeast Asia; and
2. The prospect of never-ending refugee camps.

The ideal -- but virtually impossible -- solution is to find resettlement opportunities for long-stayers, without attracting more newcomers.

This dilemma was, in fact, created by refugee policy-makers representing both first asylum countries and the international resettlement community. This is a dilemma resulting from an unwillingness or incapacity to address the root cause and find a long-lasting solution to stop the refugee flow. A dilemma in which refugees are not the cause, but the victims of artificial devices, threats, and inhuman treatment.

UNSUCCESSFUL SOLUTIONS

A number of "solutions" have been proposed and tried over the past several years. None have yet resolved the problem.

1. Local Resettlement, either in countries of first asylum or in non-asylum countries within the region, is not a live option yet. So far, only Malaysia has agreed to resettle just over 100 refugees of Muslim religion.
2. Voluntary Repatriation does not appear a viable option, either. During 1986, for example, only 52 Lao Highlanders were repatriated under the UNHCR/Laos repatriation program. Among these, we have confirmed reports that the heads-of-household of three Hmong families were accused of being CIA spies and executed on 3/01/86. Their surviving relatives have apparently made their way clandestinely back into Thailand.
3. The Immigration Channel, although potentially appropriate for those who have well-established, immediate family members in the U.S., has not yet resulted in much movement out of the camps. Last fiscal year, less than 100 refugees came to the U.S. from Thailand on Immigrant Visas.
4. Push-backs and forced repatriation which seem to be increasingly favored by Thailand have always ended in disaster. 53 of the 73 Hmong pushed back in December 1986 were killed; of the 20 who escaped, 5 have already made their way back into Ban Vinai. We do not yet know what will happen to the 135 Hmong forcibly repatriated on March 15 and 19.
5. The Orderly Departure Program, which provides a safe alternative, is now in limbo; by August this year all remaining individuals accepted into the U.S. program will have come to the U.S. Until the current deadlock is broken, no one else will be able to come out under ODP.

RENEWED COMMITMENT

Because of its lingering and critical nature, the refugee situation in Southeast Asia calls for a permanent solution that deals with the root cause. This is, however, a very long process requiring serious effort from all nations involved.

In the meantime, the U.S. and the international community must recommit to protecting and assisting the Vietnamese, Cambodians, and Laotians who have sought refuge in Thailand and other Southeast Asian first asylum countries. U.S. leadership on behalf of the Indochinese is vital to convince the international community to preserve first asylum, to provide basic assistance for those in the camps and to identify and promote durable solutions. We here in the U.S. have become complacent; because we contribute the most money and resettle the most refugees, we think we are doing more than our fair share. In fact, the gross figures are very misleading; although the U.S. contributes the largest dollar amount to refugee assistance, it ranks seventh on a per capita basis; and while the U.S. accepts the most refugees, it is only a distant fifth by ratio to country population.

Statistics, however, tell only part of the story, especially in the case of Indochina. As Senator Mark Hatfield remarked during IRAC's June 1986 convention:

"I cannot say precisely when the United States' hands will be clean of some responsibility for the turmoil in Southeast Asia, but I can say that this day has not yet arrived."

Senator Hatfield's sentiments were echoed by Senator Claiborne Pell in the first session of the 100th Congress on February 19th:

"What I believe has happened is that a program that stands as a monument to U.S. generosity to refugees -- a monument that to some small extent atones for America's tragic failure to do more to rescue the Jews of Europe from the Nazi Holocaust -- has gone tired in its later years. But the problem remains: there are refugees in Southeast Asia for whom resettlement in the United States is as right and necessary today as it was ten years ago. And we should renew and revitalize our commitment to help them."

On March 23rd, eleven U.S. Senators introduced a bill entitled "The Indochinese Refugee Resettlement and Protection Act of 1987" (S.814). A companion bill (H.R.1940) was introduced in the House on April 6th. Key points in these identical bills include:

1. Only the Secretary of State may authorize admission of any refugee from Southeast Asia who is not firmly resettled in a foreign country, is determined to be of special humanitarian concern to the United States, and is admissible as an immigrant.
2. Within the worldwide refugee admissions ceiling determined by the President, the President shall allocate (a) at least 28,000 admissions from East Asia, and (b) at least 8,500 admissions for the Orderly Departure Program for each of the fiscal years 1988, 1989, and 1990.
3. Of the refugee admissions allocated for each of these three fiscal years, at least 9,000 shall be admissions of persons who have lived in refugee camps for at least three years (long-stayers and rejected cases).
4. Besides these refugee numbers, the Attorney General must parole into the United States, for humanitarian reasons and without regard to family reunification considerations, not less than 150 persons who have lived in refugee camps from East Asia for each of the fiscal years 1988, 1989, and 1990.
5. The international community should increase its efforts to assure that refugee camps in Thailand are protected against armed attacks and other acts of violence and, especially, that international observers and relief personnel should be present on a twenty-four hour a day basis at camp "Site II" in Thailand.

S.814 also makes available \$5,000,000, for each of fiscal years 1988 and 1989, for educational programs, projects, or activities along the Thai-Laotian and the Thai-Cambodian borders which are carried out by Thai non-governmental organizations in conjunction with international relief organizations and civilian camp leadership. Another \$5,000,000 is allocated for fiscal years 1988 and 1989, to provide financial assistance for Thai villages within close proximity to Indochinese refugee camps. Finally, the bill authorizes the appropriation of \$1,000,000 for fiscal years 1988 and 1989, to train the armed forces of Thailand to provide protection to Indochinese refugee camps within Thailand against attacks originating across the border with Laos and Cambodia.

Legislation will succeed only if Indochinese-Americans exercise their rights as citizens to influence this government. We owe it to our relatives and compatriots in our native countries and we also owe it to ourselves. If the U.S. does not recommit itself to a humane refugee policy in Southeast Asia, how then can we expect other nations of the free world to join with us in resolving the multitude of refugee situations around the world? If we former refugees do not raise our voice here and now, how then can we expect others in Congress and in the governing bodies of other nations to act?

IRAC calls upon everyone here today to work together to support the principles of S.814 and H.R.1940.

SUMMARY OF RECOMMENDATIONS

The IRAC team examined the refugee situation in terms of three broad issues: protection, assistance, and processing. Specific problems were identified and recommendations made for the international community, the U.S. Government, and the Indochinese-American community in the U.S. IRAC's recommendations include the following:

- International presence in border camps overnight;
- Strengthening of camp leadership;
- Development of ethnic security units in camps;
- UNHCR monitoring and reporting on violence;
- Re-review of rejected caseload in Khao I Dang;
- Revocation of original document requirement;
- Expanded health services and education programs;
- Reassertion of U.S. Government international leadership in finding solutions for long-stayers;
- Orderly Departure Program negotiations at the highest level; and
- An International Conference to deal with the new refugee crisis in Southeast Asia.

These recommendations were articulated at a press conference held on Capitol Hill on March 2, 1987. We feel very encouraged because the refugee voice is being heard and former refugees are now given a more appropriate role in the process of policy-making and program implementation. We want to reiterate a statement made at the news conference: **"For many years, we have been considered a problem. Now we want to be a part of the solution."**

CONCLUSION

Although understandable, compassion fatigue cannot be cited as a reason for deserting compassion. Instead, it must be seen as a signal of weakness, an indication of human failure that must be overcome. When we are tired of compassion, our values as human beings are in jeopardy. The problem of compassion fatigue must be resolved with courage, wisdom, and dignity.

Refugees are not criminals. They are freedom seekers who leave everything behind and risk their own lives. A shocking majority are female. Many survivors are victims of robberies, extortion, rapes, and other acts of violence. Why are they condemned to vegetate in so-called "holding centers" and "deterrence camps" in constant fear of being rejected, repatriated, or pushed back to the very places from where they have fled?

Humane deterrence has a limit. Keeping innocent people in confinement for three years, five years, seven years, or more can no longer be called a humane policy. It has become inhuman. Even criminals are paroled after serving their sentence. Refugees, old and young, women and children, have been punished and have suffered long enough. It is time now for the U.S. and the international community to act on behalf of these people. And it is urgent now for us, former refugees and concerned citizens in the U.S., to raise our voice in concert so we can be heard by our government and other governments throughout the free world.

APPENDIX II

United States Senate

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July 29, 1987

Mr. Dennis Gallagher
Executive Director
Refugee Policy Group
1424 16th Street, N.W.
Suite 401
Washington, D. C. 20036

Dear Mr. Gallagher:

Many thanks for your extremely thoughtful letter concerning some of the refugee issues before us, particularly questions surrounding some of our refugee admissions policies.

As you know, I share many of your concerns and views. I especially share your conclusion that, with proper oversight and implementation, the Refugee Act of 1980 still serves us very well.

Again, I appreciate learning your thoughts and recommendations, and I have asked the Subcommittee staff to include your letter and relevant materials as a special appendix to the hearing record of our mid-year consultation last June 30th.

Many thanks for writing, and best wishes.

Sincerely,

Edward M. Kennedy

RPG REFUGEE POLICY GROUP

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EXECUTIVE DIRECTOR

Dennis Gallagher

July 15, 1987

Senator Edward M. Kennedy
Chair
Subcommittee on Immigration and
Refugee Affairs
Washington, D.C. 20510

Dear Senator Kennedy:

Thank you for the recent correspondence regarding U.S. refugee admissions policies, including the copy of your letter to Ambassador Moore regarding the reallocation of FY 1987 numbers. I share your view that there is need to achieve greater success in creating a truly global refugee program to respond to potential resettlement needs throughout the world. I also agree with you that the Refugee Act does indeed provide a framework for achieving this aim, as well as honoring our continuing commitment to finding solutions to the refugee situation in Southeast Asia.

It is my belief, however, that there are some changes in the law and improvements in its administration that are needed if we are to build a better refugee program. Moreover, there is need to look beyond resettlement if real improvements are to be made in addressing the circumstances of Indochinese refugees. In two reports that RPG issued in 1985, we made some recommendations that I believe are still valid. I am writing to recall them to your attention.

First, in a report on U.S. refugee admissions policies, we questioned the adequacy of the current mechanisms for admitting people of special humanitarian concern to the United States. The Refugee Act, when it was passed, eliminated use of the Attorney General's parole authority as a means of bringing large groups of aliens into the United States. Parole had serious drawbacks but its loss has had disadvantages as well. Its loss limits the capacity to deal with crises, particularly when it is impractical to conduct case-by-case reviews to determine if individuals meet the refugee definition. Its loss also limits the capacity--even in non-emergency circumstances--to admit individuals who are not refugees but who are otherwise of special concern to the United States.

To address this lacunae, RPG recommended establishment of a special humanitarian admission status. I know that Doris Meissner recently made a similar recommendation to your committee. I heartily concur with her analysis. This additional mechanism can lead to improved implementation of the refugee definition, more effective management of mass migrations of humanitarian concern, and more appropriate treatment of the people caught up in these situations.

A second area of concern relates to U.S. standards regarding refugee admissions. The Refugee Act made a significant change in U.S. policy, eliminating the geographical and ideological restrictions which limited the admission of refugees to those from the Middle East and from Communist countries. We found little evidence during our research, or in subsequent investigations, that removing these limitations has led to more equitable access to the refugee admissions program for those from non-Communist countries or from countries whose governments are considered friendly to the foreign policy interests of the United States. Foreign policy considerations, evidence of former connections to the United States and the desire to promote family reunification are primary factors in designating refugees from certain nationalities to be of special concern. As a result, it is extremely difficult to open resettlement opportunities to new groups, as witnessed by the Administration's inability to meet the ceilings for Africa and Latin America despite the undoubted presence of qualified refugees. Just to cite one example: During a recent visit to Africa, I learned of the difficulties encountered by Mwakenyan refugees in Tanzania who do not have secure asylum there and who clearly need the protections that resettlement could afford. All prior cases of Mwakenyans "worked up" by the U.S. Embassy for INS processing were denied. While aware of other compelling cases, the Embassy was reluctant to put the effort into advancing them if the result was to be the same.

We recommend that the term "of special humanitarian concern to the United States" be interpreted to emphasize the admission of refugees who are most in need of the **protection and durable solutions** that admission to the United States can provide. Further, we recommend that the administrative processes for accepting applications -- particularly where there has not been an existing program -- be simplified. In addition improvements should be made in training and better information should be provided on country conditions to those who must make decisions about eligibility. INS has made some endeavors along these lines, but further support and encouragement is needed.

Obtaining a wider range of information and opinion on the need for resettlement is critical to improvements in our system. I was very pleased to see that individuals from outside of the

Administration were called upon to testify at the mid-year consultations. I hope that this practice continues at the Consultations on FY 1988 admissions. Bringing in some new perspectives -- for example, from human rights organizations -- would make these hearings even more useful.

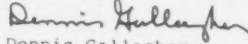
The final recommendation regarding U.S. admissions policies that I bring to your attention pertains to the so-called "normal flow" admissions number. As you know, when the Refugee Act was passed, provision was made for 50,000 refugee numbers per year without consultation. Unfortunately, there was a sunset clause on this provision, and, in any case, we have not yet gone below the 50,000 level. We suggest review of the normal flow concept in the light of what have been declining refugee numbers. If the normal flow idea is used to set minimum levels of refugee admissions, it has certain advantages. For example, an explicit statement that U.S. refugee admissions are not expected to fall below a specific number in any given year would establish more firmly what are ongoing U.S. commitments and expectations. This information would be useful in efforts to internationalize decisions about refugee admissions. It would also benefit the administration of the domestic assistance program. Knowing that there would be an admission floor, long-range planning, particularly in terms of the allocation of resources, could be better accomplished. We recently brought this issue to the attention of the Office of Refugee Resettlement, as part of a review of future directions in the domestic assistance program. (A copy of this report has been sent to you under separate cover.)

Regarding the more specific situation of refugees in Southeast Asia, I reiterate here the need for more comprehensive approaches. To the extent that resettlement continues to be seen as the sole solution, there will be serious limitations on the capacity of the international community to press for improvements in the protection and long-range status of those Indochinese who are likely to remain in the region. In 1985, we called for more U.S. leadership in developing alternatives such as voluntary repatriation and increased self-reliance of refugees within the region. I recently visited Thailand and found that this policy leadership is still badly needed. Consensus between the United States and other Western countries regarding needed approaches is eroding. Tension between the United States and Thailand is high. The U.S. government must take serious steps to renew the international commitment to solving these problems. It can do this in part by setting its resettlement priorities but it must look beyond this option to a set of policies that will deal with the Khmer border population (who are unlikely to ever enter the resettlement stream), the Highlanders (many of whom do not want to be resettled but are now feeling pressures to do so), the residual Vietnamese population,

and the remaining lowland Lao, particularly those who do not qualify as refugees or meet our priorities.

I have covered many issues in this letter. I enclose copies of the two reports that I have referenced. I would be pleased to discuss these matters further. Thank you for the leadership you are taking in the Senate on these difficult matters.

Sincerely,



Dennis Gallagher
Executive Director

cc: Jonathan Moore
Doris Meissner

APPENDIX III

RUN DATE: 06/23/87

U. S. DEPARTMENT OF STATE
BUREAU FOR REFUGEE PROGRAMS
Summary of Refugee Admissions
fiscal year 1987

PAUSE
AS OF MAY 31 1987

COUNTRY OF CHARGEABILITY	FY 87 REFUGEE ADMISSIONS CEILING	FY TOTAL ADMITTED INTO U.S. AS OF RPT	ADMISSIONS BY MONTH											
			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
AFRICA	3,500	30	0	13	0	0	10	4	3	0	0			
ANGOLA		35	54	104	0	75	113	136	155	368				
ETHIOPIA		1,040	0	0	0	0	0	2	0	0				
LESOTHO		4	0	0	0	0	0	0	0	0				
MILANI		2	0	0	2	0	0	0	0	0				
MANADA		1	0	0	1	0	0	0	0	0				
SOUTH AFRICA		40	0	11	0	9	5	14	1	0				
U-ANDA		8	0	0	7	1	0	0	0	0				
ZATRE		3	0	2	0	0	1	0	0	0				
ZAMBIA		3	0	1	2	0	0	0	0	0				
TOTAL AFRICA	3,500	1,131	35	81	116	95	125	155	156	368				
EAST ASIA - 1ST ASYL	32,000													
CAMBODIA		1,090	65	37	36	13	1	464	268	206				
LAOS		3,289	365	87	234	614	207	186	966	130				
HIGHLAND		2,471	793	370	270	140	306	97	66	427				
SUBTOTAL LAOS		5,760	1,158	457	1,604	754	515	283	1,032	557				
VIETNAM		3,829	767	1,477	1,549	770	739	1,372	1,103	1,057				
LAND & BOAT		6	0	0	5	1	0	0	0	0				
OTHER		8,835	767	1,477	1,554	771	739	1,372	1,103	1,052				
SUBTOTAL VIETNAM		15,685	1,990	1,971	2,594	1,538	1,255	2,119	2,403	1,815				
EAST ASIA - 1ST ASYL	32,000													
DDP	8,500	4,231	303	343	436	254	377	703	667	1,148				
TOTAL EAST ASIA	40,500	19,916	2,293	2,314	3,030	1,792	1,632	2,822	3,070	2,963				
EASTERN EUROPE	10,000													
ALBANIA		44	0	10	0	8	3	7	4	12				
BULGARIA		66	5	12	7	11	19	5	5	39				
CZECHOSLOVAKIA		720	23	122	156	108	86	118	68	36				
HUNGARY		438	20	142	71	28	15	30	26	56				
POLAND		2,425	214	342	379	239	289	409	322	231				
ROMANIA		1,694	139	337	255	189	175	168	276	155				
SUJET UNION		1,002	122	111	64	89	56	139	139	325				
YUGOSLAVIA		2	0	1	1	0	0	0	0	0				
TOTAL EASTERN EUROPE	10,000	6,391	523	1,077	932	668	652	830	890	819				

PAGE
AS OF MAY 31, 1987

U.S. DEPARTMENT OF STATE
BUREAU FOR REFUGEE PROGRAMS
Summary of Refugee Admissions
Fiscal Year 1987

RUN DATE: 06/23/87

COUNTRY OF CHARGEABILITY	FY 87 REFUGEE ADMISSIONS CEILING	FY TOTAL ADMITTED INTO U.S. AS OF RPT	ADMISSIONS BY MONTH											
			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
LATIN AMERICA	4,000	49	0	0	0	4	16	27	2	0				
CUBA		49	0	0	0	4	16	27	2	0				
TOTAL LATIN AMERICA	4,000													
NEAR EAST ASIA	8,000	2,240	11	487	382	226	332	312	238	252				
AFGHANISTAN		3,788	170	555	636	340	762	761	282	276				
IRAN		108	5	4	0	0	17	31	8	43				
IRAQ		2	0	0	0	0	0	0	2	0				
LIBYA			0	0	0	0	0	0	0	0				
TOTAL NEAR EAST ASIA	8,000	6,138	186	1,046	1,018	572	1,111	1,104	530	571				
GRAND TOTAL	66,000	33,625	9,037	4,518	5,096	3,131	3,536	4,438	4,648	4,721				

RUN DATE: 08/23/67

U.S. DEPARTMENT OF STATE
BUREAU FOR REFUGEE PROGRAMS
Summary of Refugee Admissions
Cumulative

PAGE 3
AS OF MAY 31, 1967

Fiscal Year	Area						
	Africa	Asia	Eastern Europe	Soviet Union	Latin America	Rear East Asia	TOTAL
1975	0	135,000	1,947	6,211	3,000	0	146,158
1976	0	15,000	1,756	7,450	3,000	0	27,206
1977	0	7,000	1,755	8,191	3,000	0	19,946
1978	0	20,574	2,245	10,686	3,000	0	36,507
1979	0	76,521	3,393	24,449	7,000	0	111,363
1980	955	163,799	5,025	28,444	6,642	2,231	207,116
1981	2,119	131,139	6,704	13,444	2,017	3,829	159,252
1982	3,326	73,522	10,780	2,756	602	6,369	97,355
1983	2,648	39,408	12,083	1,409	668	5,465	61,681
1984	2,747	51,960	10,265	715	160	5,246	71,113
1985	1,953	49,970	9,350	640	138	5,994	68,045
1986	1,315	45,454	8,713	787	173	5,998	62,440
1987	1,131	19,917	5,269	1,002	49	6,138	33,626
TOTAL	16,194	829,264	79,425	106,186	29,469	41,270	1,101,808

RUN DATE: 86/23/87

INDOCHINESE REFUGEE ACTIVITY
Monthly Report for May, 1987

As of May 31, 1987

COUNTRIES OF ASYLUM/RPCS	LAST MONTH'S POPULATION	THIS MONTH'S POPULATION	ARRIVALS IN 1ST ASYLUM	TO U.S.	THIS MONTH'S REDUCTIONS 3RD COUNTRIES	RELOCATION	OTHER	RPC TRANSFERS US CASELOAD	IVS. RVS. ANCTIS. RPS TO US
1ST ASYLUM									
HONG KONG	7,807	7,628	113	8	281	0	0	29	3
MACAU	610	600	1	0	10	0	0	0	0
INDONESIA	2,342	2,342	0	0	0	0	0	0	0
MALAYSIA	2,439	8,494	1,113	22	430	0	0	11	0
PHILIPPINES	2,581	2,769	409	5	213	0	0	544	0
SINGAPORE	51	173	152	7	16	0	0	2	0
OTHER	928	883	21	6	35	0	0	3	0
THAILAND - KHMER	24,642	24,345	100	3	344	0	0	24	2
THAILAND - HIGHLANDERS	52,792	53,113	440	2	30	0	3	23	25
THAILAND - LAO	22,565	22,577	283	12	389	0	0	45	2
THAILAND - VIETNAMESE LAND	775	740	28	0	61	0	0	18	0
THAILAND - VIETNAMESE BOAT	8,371	9,066	1,344	9	66	0	0	2	0
SUBTOTAL THAILAND	109,105	109,851	2,195	26	690	0	0	327	0
SUBTOTAL LAND REFUGEES	100,790	100,790	851	17	624	0	0	635	32
SUBTOTAL BOAT REFUGEES	31,073	29,613	3,153	107	1,021	0	85	99	27
TOTAL 1ST ASYLUM	131,863	130,403	4,004	124	1,645	0	4	1,129	21
RPCS								1,228	48
BATAAN - KHMER	713	555	23	184	0	0	0	0	0
BATAAN - HIGHLANDERS	0	0	0	0	0	0	0	0	0
BATAAN - LAO	3,802	3,397	0	410	0	0	0	0	0
BATAAN - VIETNAMESE	4,570	4,958	1,344	945	2	0	0	0	0
BATAAN - ODP	5,382	4,895	0	0	0	0	0	0	0
SUBTOTAL BATAAN	14,467	13,805	1,367	1,539	2	0	0	0	0
GALANG - KHMER	0	0	0	0	0	0	0	0	0
GALANG - HIGHLANDERS	0	0	0	0	0	0	0	0	0
GALANG - LAO	0	0	0	0	0	0	0	0	0
GALANG - VIETNAMESE	2	2	0	0	0	0	0	0	0
SUBTOTAL GALANG	2	2	0	0	0	0	0	0	0
PHNAT NIKHOM - KHMER	88	74	0	19	0	0	0	0	0
PHNAT NIKHOM - HIGHLANDER	5,755	5,672	45	128	0	0	0	0	0
PHNAT NIKHOM - LAO	1,360	1,361	6	5	0	0	0	0	0
PHNAT NIKHOM - VIETNAMESE	0	0	0	0	0	0	0	0	0
SUBTOTAL PHNAT NIKHOM	7,209	7,107	51	152	0	0	0	0	0
TOTAL RPCS	21,678	20,914	1,418	1,691	2	0	0	0	0
GRAND TOTAL	153,541	151,317	4,004	1,815	1,647	0	89	1,228	48

Arrivals in the RPCs are not added down as this would result in double addition; ODP activity is not included in this report

As of May 31, 1987

INDOCHINESE REFUGEE ACTIVITY
Fiscal Year 1987

RM DATE: 06/23/87

COUNTRIES OF ASYLUM/RPCS	POPULATION AS OF 09/30/86	THIS MONTH'S POPULATION	FISCAL 87 ARRIVALS	FISCAL YEAR REDUCTIONS				OTHER	BPC TRANSFER US CASELOAD	IVS, MIVA, AMITS, HPS TO US
				TO U.S.	COUNTRIES	3RD VOLUNTARY REPAatriation	RELOCATION			
1ST ASYLUM	8,386	7,628	1,000	40	1,212	0	0	3	372	17
HONG KONG	622	600	451	182	1,404	0	0	0	0	38
MACAU	4,411	5	6,100	470	2,189	0	0	0	2,770	63
INDONESIA	7,900	8,494	1,127	100	969	0	0	1	586	23
MALAYSIA	3,021	2,765	310	177	177	0	0	0	157	2
PHILIPPINES	140	883	43	22	299	0	0	1	0	0
SINGAPORE	1,374	24,345	796	64	2,654	0	0	67	515	69
OTHER	27,722	53,123	2,882	187	1,548	52	0	495	6,533	12
THAILAND - KHMER	29,612	22,577	3,219	32	338	93	0	2,969	5,238	29
THAILAND - HIGHLANDERS	883	9,066	740	272	681	0	0	38	1,176	19
THAILAND - LAO	5,896	121,243	12,368	472	5,318	145	0	3,794	13,475	146
THAILAND - VIETNAMESE LAND										
THAILAND - VIETNAMESE BOAT										
SUBTOTAL THAILAND	115,516	100,790	7,185	338	4,637	145	0	3,756	12,310	127
SUBTOTAL LAND REFUGEES	31,581	29,613	14,245	979	6,663	0	0	52	5,940	164
SUBTOTAL BOAT REFUGEES	147,097	130,403	21,430	1,317	11,300	145	0	3,808	18,250	291
TOTAL 1ST ASYLUM										
RPCS										
BATAAN - KHMER	0	555	512	478	0	0	0	0	0	0
BATAAN - HIGHLANDERS	0	0	0	0	0	0	0	0	0	0
BATAAN - LAO	0	3,397	3,910	1,615	0	0	0	1	0	12
BATAAN - VIETNAMESE	0	4,958	6,219	7,212	107	0	0	0	0	12
BATAAN - JONK	0	4,895	10,681	9,305	107	0	0	2	0	0
SUBTOTAL BATAAN	0	13,805	10,681	9,305	107	0	0	0	0	0
GALANG - KHMER	0	0	0	0	0	0	0	0	0	0
GALANG - HIGHLANDERS	0	0	0	0	0	0	0	0	0	0
GALANG - LAO	621	2	7	611	0	0	0	0	0	0
GALANG - VIETNAMESE	621	2	7	611	0	0	0	0	0	0
SUBTOTAL GALANG	0	74	5	548	0	0	0	0	0	0
PHANAT NIKHOM - KHMER	0	5,672	3,222	3,222	0	0	0	0	0	0
PHANAT NIKHOM - HIGHLANDER	0	1,361	1,344	682	0	0	0	0	0	0
PHANAT NIKHOM - LAO	0	0	0	0	0	0	0	0	0	0
PHANAT NIKHOM - VIETNAMESE	0	7,107	7,892	4,452	0	0	0	0	0	0
SUBTOTAL PHANAT NIKHOM	0	14,934	16,580	14,368	107	0	0	2	0	12
TOTAL RPCS	621	20,914	16,580	14,368	107	0	0	0	0	301
GRAND TOTAL	147,718	181,317	21,430	15,645	11,407	145	0	3,810	18,250	

Arrivals in the RPCS are not added down as this would result in double addition. GDP Activity is not included in this report

INDOCHINESE REFUGEE ACTIVITY
Cumulative Since April 1975PAGE
As of May 31, 1987

COUNTRIES OF ASYLUM/RPCS	THIS MONTH'S POPULATION	ARRIVALS SINCE APRIL 1975	REDUCTIONS SINCE 4/75				RPC TRANSFERS	
			TO U.S.	COUNTRIES	REPATRIATION	RELOCATION	OTHER	US CASELOAD
1ST ASYLUM								
HONG KONG	7,628	127,007	50,046	57,740	14	0	248	12,241
MACAU	600	7,842	2,427	3,363	0	0	574	868
INDONESIA	5	100,832	42,403	38,470	6	0	45	18,046
MALAYSIA	8,494	220,895	87,268	87,652	1	0	109	37,285
PHILIPPINES	2,769	40,078	9,741	13,175	8	0	26	12,597
SINGAPORE	173	32,430	5,507	19,384	1	0	3	7,082
OTHER	883	40,894	6,179	32,862	0	15	15	1,174
THAILAND - KHMER	24,345	237,215	50,272	69,108	42	41,172	67	90,717
THAILAND - HIGHLANDERS	53,123	141,396	52,603	71,086	712	0	984	15,018
THAILAND - LAO	22,577	186,178	71,743	42,803	2,353	1,000	2,989	36,362
THAILAND - VIETNAMESE LAND	740	29,478	7,961	11,549	0	0	5	9,656
THAILAND - VIETNAMESE BOAT	9,066	89,399	26,890	23,212	2	0	41	30,734
SUBTOTAL THAILAND	109,851	681,608	209,469	167,758	3,109	42,172	4,086	182,487
SUBTOTAL LAND REFUGEES	100,790	594,225	182,579	144,546	3,107	42,172	4,045	151,764
SUBTOTAL BOAT REFUGEES	29,613	658,961	230,461	275,858	32	0	1,061	120,016
TOTAL 1ST ASYLUM	130,403	1,253,186	413,040	420,404	3,139	42,172	5,106	271,780
RPCS								
BATAAN - KHMER	555	512	478	0	0	0	0	0
BATAAN - HIGHLANDERS	0	0	0	0	0	0	0	0
BATAAN - LAO	3,397	3,910	1,615	0	0	0	1	0
BATAAN - VIETNAMESE	4,958	6,269	7,212	107	0	0	1	0
BATAAN - ODP	4,895	*	*	*	*	*	*	*
BATAAN - PRIOR TO FY 87	0	166,790	156,905	5,087	0	0	136	0
SUBTOTAL BATAAN	13,805	177,481	168,210	5,194	0	0	140	0
GALANG - KHMER	0	0	0	0	0	0	0	0
GALANG - HIGHLANDERS	0	0	0	0	0	0	0	0
GALANG - LAO	2	2	631	0	0	0	0	0
GALANG - VIETNAMESE	2	7	4,667	0	0	0	146	0
GALANG - PRIOR TO FY 87	0	55,494	50,040	4,667	0	0	146	0
SUBTOTAL GALANG	2	55,501	50,651	4,667	0	0	146	0
PHNAT NIKHOM - KHMER	74	5	548	0	0	0	0	0
PHNAT NIKHOM - HIGHLANDER	5,672	5,402	3,222	0	0	0	0	0
PHNAT NIKHOM - LAO	1,361	1,344	682	0	0	0	0	0
PHNAT NIKHOM - VIETNAMESE	0	1,141	0	0	0	0	0	0
PHNAT NIKHOM - PRIOR FY 87	0	24,200	21,518	0	0	0	181	0
SUBTOTAL PHNAT NIKHOM	7,107	32,092	25,970	0	0	0	181	0
TOTAL RPCS	20,914	265,074	244,831	9,861	0	0	487	0
VIETNAMESE TO U.S. IN 1975	0	124,547	123,000	0	1,547	0	0	0
OTHER TO U.S. IN 1975	0	12,000	12,000	0	0	0	0	0
VM TO CHINA IN 1977 / 1979	0	263,000	0	263,000	0	0	0	0
GRAND TOTAL	151,317	1,652,733	792,871	693,265	4,686	42,172	5,573	271,780

RUN DATE: 06/23/87

INDOCHINESE REFUGEE ACTIVITY
Summary By Ethnic BreakdownPMLA /
As of May 31, 1987

Monthly Report For May, 1987

ETHNIC GROUP	ARRIVALS IN 1ST ASYLUM	THIS MONTH'S REDUCTIONS					TRANSFER TO RPLS
		TO U.S.	3RD COUNTRIES	REPATRIATION	RELOCATION	OTHER	
KHMER	100	206	344	0	0	3	34
LAO - Highlanders	440	130	30	0	0	30	45
Lowlanders	283	427	189	0	0	52	18
TOTAL LAO	723	557	219	0	0	82	63
VN- 1st Asylum - Land	78	0	61	0	0	0	2
1st Asylum - Boat	3,153	107	1,021	0	0	4	1,129
RPC - Land and Boat	945	2	0	0	0	0	0
TOTAL VIETNAMESE	3,181	1,052	1,084	0	0	4	1,131
GRAND TOTAL	4,004	1,815	1,647	0	0	89	1,228

Note: Orderly Departure Program figures are reported separately.

Fiscal Year 1987

ETHNIC GROUP	ARRIVALS IN 1ST ASYLUM	REDUCTIONS FOR FY 87					TRANSFER TO RPLS
		TO U.S.	3RD COUNTRIES	REPATRIATION	RELOCATION	OTHER	
KHMER	813	1,090	2,672	0	0	67	526
LAO - Highlanders	2,882	3,289	97	52	0	695	6,533
Lowlanders	3,219	2,471	3,548	93	0	2,980	5,236
TOTAL LAO	6,101	5,760	1,645	145	0	3,685	11,771
VN- 1st Asylum - Land	272	34	338	0	0	5	13
1st Asylum - Boat	14,244	978	6,645	0	0	52	5,940
RPC - Land and Boat	7,823	7,823	107	0	0	1	0
TOTAL VIETNAMESE	14,516	8,835	7,090	0	0	58	5,953
GRAND TOTAL	21,430	15,685	11,407	145	0	3,810	18,250

Note: Orderly Departure Program figures are reported separately.

RUN DATE 06/23/87

INDOCHINESE REFUGEE ACTIVITY
Departures to U.S. and Third Countries
(Excluding Orderly Departure Program)
Monthly Report For May, 1987

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As of May 31, 1987

To From	Hong Kong	Indonesia	Japan	Macao	Malaysia	Philippines	Singapore	Thailand (Boat)	Thailand (Land)	Other	BPCs	Total
Australia	76	0	0	5	239	35	1	5	215	0	0	576
Belgium	32	0	0	0	2	28	0	0	0	0	0	62
Canada	100	0	0	5	129	60	5	20	130	3	0	452
Denmark	0	0	0	0	25	4	0	1	0	0	0	30
France	0	0	0	0	25	73	2	4	102	0	0	206
FRG	0	0	0	0	0	0	0	0	0	0	0	0
Italy	0	0	0	0	0	0	0	0	1	0	0	1
Japan	0	0	22	0	0	0	7	0	31	0	0	60
Netherlands	0	0	0	0	0	0	0	0	0	0	0	0
New Zealand	9	0	6	0	3	6	0	9	108	4	0	145
Norway	0	0	0	0	6	0	0	0	0	0	2	8
Sweden	0	0	0	0	0	0	1	0	36	0	0	37
Switzerland	0	0	0	0	0	7	0	0	0	0	0	7
United Kingdom	0	0	0	0	1	0	0	1	1	0	0	3
Other	34	0	0	0	0	0	0	26	0	0	0	60
Total 3rd Ctry	251	0	28	10	430	213	16	66	623	7	2	1,647
Total US	8	0	0	0	72	5	7	9	17	6	1,691	1,815
Grand Total	259	0	28	10	502	218	23	75	641	13	1,693	3,462

NOTE UNIT: US\$/1,000

INDOCHINESE REFUGEE ACTIVITY Departures to U.S. and Third Countries (Excluding Orderly Departure Program) Fiscal Year 1987													As of May 31, 1987	
To	From	Hong Kong	Indonesia	Japan	Macau	Malaysia	Philip- pines	Singap- pore	Thailand (Boat)	Thailand (Land)	Other	SPCs	Total	
Australia		102	684	27	5	1,068	182	27	323	1,463	10	1	4,662	
Belgium		41	0	0	0	3	30	0	9	10	0	0	93	
Canada		522	676	28	25	719	226	51	247	1,473	8	2	3,927	
Denmark		43	4	2	0	28	19	18	4	41	1	0	160	
France		36	35	0	0	188	95	21	12	1,041	0	0	1,428	
FRG		2	1	0	0	11	50	8	4	4	6	1	87	
Italy		0	0	0	0	3	0	0	0	5	0	0	8	
Japan		18	6	201	0	18	19	7	6	128	0	0	403	
Netherlands		67	0	2	0	85	0	4	0	33	0	0	191	
New Zealand		34	12	6	0	19	19	2	28	338	4	0	467	
Norway		22	23	0	0	20	12	2	8	31	3	103	224	
Sweden		4	8	0	0	11	0	20	8	47	0	0	98	
Switzerland		20	0	0	0	6	7	4	2	13	1	0	53	
United Kingdom		35	5	0	0	9	5	1	1	7	0	0	63	
Other		66	0	0	2	1	5	12	29	3	0	0	118	
Total 3rd Ctry		1,212	1,404	266	32	2,189	669	177	581	4,637	33	187	11,407	
Total US		40	182	7	0	470	100	31	134	338	15	14,368	15,685	
Grand Total		1,252	1,586	273	32	2,659	769	208	815	4,975	48	14,475	27,092	

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INDOCHINESE REFUGEE ACTIVITY
Departures to U.S. and Third Countries
(Excluding Orderly Departure Program)
Cumulative Since April 1975

As of May 31, 1987

To	From	Hong Kong	Indonesia	Japan	Macau	Malaysia	Philippines	Singapore	Thailand (Boat)	Thailand (Land)	Other	BPCS	Total
Australia		5,815	17,355	586	320	40,408	4,065	2,865	9,768	22,827	3,671	240	107,920
Belgium		214	186	132	5	496	106	347	134	1,951	842	9	4,422
Canada		19,288	13,396	461	2,009	26,891	3,088	1,334	6,619	29,508	7,380	100	110,074
Denmark		1,148	226	53	61	536	117	985	262	86	201	12	3,887
France		1,824	2,225	74	15	5,473	1,850	3,190	2,469	67,536	12,995	3,627	101,278
FRG		2,501	2,468	34	12	4,156	1,521	2,720	1,275	3,919	584	4,046	23,236
Italy		112	28	5	4	783	56	1,039	150	721	180	1	3,679
Japan		102	32	1,424	9	77	148	11	80	413	0	0	2,796
Netherlands		764	154	42	3	1,528	350	1,958	247	419	261	54	5,780
New Zealand		485	521	25	27	1,517	255	84	366	3,791	265	24	7,160
Norway		670	195	226	12	768	179	1,379	390	142	29	1,659	5,849
Sweden		438	745	1	443	1,209	4	152	39	117	0	3	3,151
Switzerland		651	575	71	94	2,569	258	1,731	365	2,330	762	22	9,428
United Kingdom		12,862	91	105	179	639	354	878	652	587	1,028	16	17,391
Other		10,866	273	872	170	1,102	824	761	396	10,199	263,553	48	289,064
Total 3rd Ctry		57,740	38,470	4,111	3,363	87,652	13,175	19,384	23,212	144,546	291,751	9,461	693,265
Total US		50,046	42,403	2,988	2,427	87,268	9,741	5,507	26,090	182,579	138,191	244,831	792,871
Grand Total		107,786	80,873	7,099	5,790	174,920	22,916	24,891	50,102	327,125	429,942	254,692	1,486,136

NUN DATE: 06/23/87

INDOCHINESE REFUGEE ACTIVITY
Camp Populations By Ethnic Group
Monthly Report For May, 1987

As of May 31, 1987

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COUNTRY	CAMP	LAO	MTSGLAND	KHMER	VIETNAMESE	TOTAL
HONG KONG	ARGYLE ST. CAMP 3	0	0	0	184	184
	CHI MA WAN	0	0	0	1,131	1,131
	MEI LING CHAU	0	0	0	1,955	1,955
	KAI TAK NORTH	0	0	0	3,304	3,304
	TUEN MUN	0	0	0	1,035	1,035
	VICTORIA REMAND CEN.	0	0	0	17	17
	SUBTOTAL	0	0	0	7,628	7,628
INDONESIA	GALANG - 1ST ASYLUM	0	0	5	0	5
	GALANG RPC	0	0	0	2	2
	SUBTOTAL	0	0	5	2	7
JAPAN		0	0	0	634	634
KOREA	PUSAN	0	0	0	86	86
MACAU	KAO	0	0	0	600	600
MALAYSIA	PULAU BIDDONG	0	0	0	5,437	5,437
	SUNGAI BESI	0	0	0	3,057	3,057
	SUBTOTAL	0	0	0	8,494	8,494
	BATAAN QDP	0	0	0	4,895	4,895
	BATAAN RPC	3,397	0	555	4,958	8,910
PHILIPPINES	PALANAN	0	0	0	2,636	2,636
	PRIC	0	0	0	133	133
	SUBTOTAL	3,397	0	555	12,622	16,574
SINGAPORE	HAWKINS ROAD	0	0	0	173	173
THAILAND	BAN NAM YAO	0	1,222	0	0	1,222
	BAN VINAI	269	38,318	0	0	38,587
	BANGKOK TRANSIT	33	21	124	85	263
	CHANG KHU	111	12,098	0	0	12,209
	KACHING	0	0	1,123	0	1,123
	KHO I DANG	0	0	21,623	0	21,623
	NAPHO	21,357	602	74	0	21,959
	PHANAT NIKHOM RPC	1,361	5,672	694	0	7,727
	PHANAT PROCESSING	536	249	271	4,695	5,751
	PHANAT TRANSIT	271	113	781	1,076	2,191
	SUBTOTAL	23,938	58,795	24,419	9,866	116,958
TAIWAN		0	0	0	163	163
GRAND TOTAL		27,335	58,795	24,979	40,208	151,317

RUN DATE: 06/23/87

INDOCHINESE REFUGEE ACTIVITY
The Orderly Departure Program
Monthly Report For May, 1987

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As of May 31, 1987

	Arrivals		Refugees to U.S.			Non-Refugees to U.S.				Total Refugees & Non-Refugees to U.S.		To Other Third Countries	Other Refugees
	In Bangk (From VN)	In APCs	From Bangkok	From RPCs	Subtotal Refugees	IVs	NIVs	AKCITS	H.P.	Subtotal Non-Refugees	Total Refugees & Non-Refugees to U.S.		
No Subprogram Classification	0	563	0	1,052	1,052	0	0	0	0	0	1,052	371	1
Regular Subprogram	529	5	84	0	88	144	4	0	0	148	236		
Family Reunification	24	0	2	0	2	0	0	0	0	0	2		
Former USC Employees	0	0	1	0	1	0	0	0	0	0	1		
Others	0	0	0	0	0	0	0	0	0	0	0		
Subtotal (of whom are Khmer)	553	5	91	0	91	144	4	0	0	148	239		
	6	0	1	0	1	0	0	0	0	0	1		
Asian American Subprogram	2	0	3	0	3	0	0	1	0	1	4		
American Children	9	0	1	0	1	3	0	0	0	3	4		
Accompanying Relatives	0	0	0	0	0	0	0	0	0	0	0		
Subtotal (of whom are Khmer)	11	0	4	0	4	3	0	1	0	4	8		
	0	0	0	0	0	0	0	0	0	0	0		
Re Education Camp Subprogram	4	0	0	0	0	2	0	0	0	2	2		
Former Re-Ed Prisoners	22	0	1	0	1	12	0	0	0	12	13		
Accompanying Relatives	26	0	1	0	1	14	0	0	0	14	15		
Subtotal (of whom are Khmer)	0	0	0	0	0	0	0	0	0	0	0		
	0	0	0	0	0	0	0	0	0	0	0		
TOTAL	590	568	96	1,052	1,148	161	4	1	0	166	1,314	371	1
(of whom are Khmer)	6	0	1	0	1	0	0	0	0	0	1		

ODP Refugees in Bataan at the end of current month: 4,895

ODP Refugees in transit in Bangkok at end of current month: 178

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INDONESIAN REFUGEE ALIIVIT
The Orderly Departure Program
Report for Fiscal Year 1987

MO Subprogram Classification	Arrivals		Refugees to U.S.			Non-Refugees to U.S.				Total Refugees & Non-Refugees to U.S.	To Other Third Countries	Other Refugee
	In Bangk (From VM)	In BPCs	From Bangkok	From BPCs	Subtotal Refugees	IVs	WIVs	AMCITS	M.P.	Subtotal Non-Refugees		
MO Subprogram Classification	0	5,903	0	3,193	3,193	53	0	0	1	54	3,247	8
Regular Subprogram	7,737	67	961	0	961	1,464	23	0	18	1,505	2,466	
Family Reunification	73	0	3	0	3	0	0	0	0	0	3	
Former USG Employees	124	4	7	0	7	0	0	0	0	0	7	
Others	7,934	71	971	0	971	1,464	23	0	18	1,505	2,476	
Subtotal (of whom are Kmer)	73	0	1	0	1	12	0	0	0	12	13	
Asian American Subprogram	65	0	39	0	39	2	0	4	0	6	45	
Asian Chinese	132	0	15	0	15	17	0	0	0	17	32	
Accompanying Relatives	197	0	54	0	54	19	0	4	0	23	77	
Subtotal (of whom are Kmer)	0	0	0	0	0	0	0	0	0	0	0	
Re Education Camp Subprogram	62	0	4	0	4	16	0	0	0	16	20	
Former Re Ed Prisoners	276	5	9	0	9	69	0	0	2	71	80	
Accompanying Relatives	338	5	13	0	13	85	0	0	2	87	100	
Subtotal (of whom are Kmer)	0	0	0	0	0	0	0	0	0	0	0	
TOTAL	8,469	5,979	1,038	3,193	4,231	1,621	23	4	21	1,669	5,900	8
(of whom are Kmer)	73	0	1	0	1	12	0	0	0	12	13	

RUN DATE: 06/23/87

INDOCHINESE REFUGEE ACTIVITY
The Orderly Departure Program
Cumulative from April 1975

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As of May 31, 1987

	Arrivals		Refugees to U.S.			Non-Refugees to U.S.					Subtotal Non-Refugees	Total Refugees & Non-Refugees to U.S.	To Other Third Countries	Other Product
	In Bank (from VN)	In RPCs	From Bangkok	From RPCs	Subtotal Refugees	IVs	MIVs	AMCITS	M.P.					
No Subprogram Classification from RPC FY85 - Present Prior to October 84 -	0	23,320	0	17,586	17,586	124	0	0	0	1	125	17,711	25,722	10
	25,963	0	15,659	0	15,659	0	0	0	0	0	0	15,659	41,591	11
Regular Subprogram														
Family Reunification	25,435	67	2,359	0	2,359	8,894	50	0	19	8,963	11,322			
Former USG Employees	338	0	20	0	20	0	0	0	0	0	0	20		
Others	318	4	35	0	35	0	0	0	0	0	0	35		
Subtotal (of whom are Khmer)	26,091	71	2,414	0	2,414	8,894	50	0	19	8,963	11,377			
	73	0	1	0	1	12	0	0	0	0	12	13		
Asian American Subprogram														
Immersion Children	2,142	0	383	0	383	111	2	46	0	0	159	542		
Accompanying Relatives	3,372	0	247	0	247	141	4	0	0	0	145	392		
Subtotal (of whom are Khmer)	5,514	0	630	0	630	252	6	46	0	0	304	934		
	0	0	0	0	0	0	0	0	0	0	0	0		
Re Education Camp Subprogram														
Former Re Ed Prisoners	255	0	23	0	23	93	0	0	0	0	93	116		
Accompanying Relatives	983	5	80	0	80	243	0	0	2	2	245	325		
Subtotal (of whom are Khmer)	1,238	5	103	0	103	336	0	0	2	2	338	441		
	0	0	0	0	0	0	0	0	0	0	0	0		
TOTAL	58,806	23,396	18,806	17,586	36,392	9,606	56	46	22	22	9,730	46,122	67,313	21
(of whom are Khmer)	73	0	1	0	1	12	0	0	0	0	12	13		

* Data prior to 10/84 is approximate.

APPENDIX IV

The Orderly Departure Program: The Need for Reassessment

Researched and written by
Migration and Refugee Services,
U.S. Catholic Conference

Published by the following member agencies
of the
Migration and Refugee Affairs Committee of
InterAction,
the American Council for Voluntary International Action

American Council for Nationalities Service
American Fund for Czechoslovak Refugees
Buddhist Council for Refugee Rescue and Resettlement
Church World Service
International Catholic Migration Commission
International Rescue Committee
Lutheran Immigration and Refugee Service
Migration and Refugee Services, U.S. Catholic Conference
Polish-American Immigration and Relief Committee
The Presiding Bishop's Fund for World Relief/Episcopal Church
Tolstoy Foundation
World Relief Refugee Services

November 1986

FOREWORD

This report has been published by member agencies of the Migration and Refugee Affairs Committee of InterAction* in an effort to provide as much accurate information about the Orderly Departure Program to as broad a constituency as possible. It is intended to serve as an impetus to dialogue for the many agencies and individuals concerned with and affected by the Orderly Departure Program (ODP).

To this end, this report has been distributed to the appropriate federal agencies and offices involved in the operation of ODP, to key elected officials and policy-making individuals, to state and county officials involved with refugees at the local level, and to the voluntary agencies who do the actual work of refugee resettlement. It has also been disseminated to mutual assistance associations (MAAs) and other refugee community organizations in the hope that the Vietnamese community in the United States will become more familiar with the program. This report should also be useful for the community counselor or caseworker who must respond to inquiries about ODP at the personal level, as well as for those concerned with the broader terms of program policy and direction.

The agencies who have published this document would like to express their appreciation to the Reverend Monsignor Nicholas DiMarzio, Ph.D., Executive Director of Migration and Refugee Services, U.S. Catholic Conference, for directing the research and development of this report. R. Kyle Horst, Consultant to USCC, researched this report and was a contributing writer.

* InterAction is the American Council for Voluntary International Action.

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EXECUTIVE SUMMARY

In January 1986, the last two representatives of the U.S. Orderly Departure Program (ODP) in Vietnam were told to cease interviewing Vietnamese citizens for emigration to the U.S., and leave the country. This action, combined with the substantial changes in U.S. ODP policy which followed it, has called into question the future of what for six years has been the sole means of safe, legal exit for persons wishing to leave Vietnam.

Because these policy changes have had a continuing impact on persons wishing to leave Vietnam and on family members in the United States, the national voluntary agencies responsible for refugee resettlement in the U.S. decided to investigate the current status of ODP. That investigation--including a history of the program and the events leading to its current condition, a discussion of the U.S. policy changes and their implications, and recommendations for ensuring the continuing viability of ODP--is the substance of this joint agency report.

When the remaining two U.S. interviewers left Vietnam in January 1986, there was a backlog of 22,000 persons who had been released for exit by the Vietnamese authorities and interviewed by the U.S. but who had not yet been accepted or rejected by the U.S. The Vietnamese authorities, unable to understand why such a large population of prospective U.S.-eligible applicants was not being readily accepted by the U.S., had first formally expressed their displeasure in April 1985, when the backlog numbered 17,000. This and subsequent protests and the continued growth of the backlog culminated in the January 1986 suspension of further interviews for the U.S. program.

Shortly after the Vietnamese suspension, evidence began to appear indicating significant unannounced changes in U.S. ODP policy. The most immediate of these changes suspended the departure of several thousand persons in Vietnam who had already been approved for U.S. entry by U.S. consular and INS officials. In the months following, several additional U.S.

strictures became known. Under the revised policy, only beneficiaries of current Immigrant Visa Petitions would be permitted family reunification via ODP. Thousands of individuals who had completed both Vietnamese and U.S. processing were now being affected by a new policy imposed in a way that was in effect retroactive. (Since the completion of research for this report, the State Department has resumed refugee processing for some family reunification cases in the backlog of interviewed persons.) In Vietnam, rumors circulated that the program was ended; abroad, refugee officials wondered if the situation would result in increased clandestine boat escapes.

The complete text of this report examines the environment in which Vietnam and the U.S. made their respective decisions, and discusses their intentions, particularly regarding the viability of ODP as an alternative to dangerous boat departures. The report stands in three sections, one each devoted to the past, the present, and the future of the program.

The initial section provides a detailed discussion of the genesis of the ODP and the operational mechanisms that resulted. Early discussions of a program to reunite families separated by the Communist triumph of April 1975 and a UN-sponsored conference addressing the plight of the "boat people" resulted in the May 1979 Memorandum of Understanding (MOA) between Vietnam and the United Nations High Commissioner for Refugees, the fundamental agreement on which ODP is founded. The modalities which sprung from the MOA are discussed in operational sequence: how Vietnamese citizens get official permission to leave; U.S. eligibility criteria for ODP applicants; the theoretical matching of U.S. and Vietnamese lists; and the mechanics of exit processing.

The historical review provides a solid base for the second section of the report, which discusses the ODP clientele and the effectiveness of the program thus far. These two sections together provide the necessary background for understanding the

current trials of ODP and for forming policy options that will allow the program to resume pursuit of the non-political, humanitarian goals upon which it is based. In the form of specific recommendations, this third and final section of the report attempts to address realistically the present difficulties and future potential of the ODP.

Some federal policymakers may be looking to the Orderly Departure Program, with its ability to address a refugee crisis and achieve family reunification in an orderly fashion, as a possible model in developing appropriate responses to future refugee flows. It has also been suggested that the recent changes in ODP policy are an example of the Department of State's implementation of the emphasis on family reunification through normal immigration processing as recommended by Secretary of State George Shultz's Indochinese Refugee Panel.

The agencies publishing this report welcome the Indochinese Refugee Panel's report as a necessary reassessment of the current situation in Southeast Asia. The Panel members displayed considerable knowledge of the circumstances surrounding refugee issues in that troubled region of the world, and a commitment to seeking responsive humanitarian solutions for those who find themselves without other options. But for ODP to serve as a model response to a refugee producing situation, it must maintain its flexibility and continue with the broadest possible eligibility criteria.

This report details the voluntary agencies' recommendations to ensure that the Orderly Departure Program continues as a responsive, humanitarian program responsible to the international agreements on which it stands. In brief, our main considerations are as follows:

1. We are heartened by recent developments in which the U.S. has resumed refugee processing for family reunification cases in the backlog of interviewed persons in Vietnam. We encourage the U.S. to continue this policy, and to apply uniformly the

standing criteria upon which ODP has operated so far, in regard both to the backlog and to all those who received exit permits prior to U.S. policy changes. These people made the decision to attempt legal, orderly exit from Vietnam on the basis of widely- publicized U.S. criteria; to retroactively apply more restrictive criteria would be inappropriate and unfair.

- . The voluntary agencies agree with the Indochinese Refugee Panel that normal immigration processing is the preferred means of accomplishing family reunification. But U.S. ODP policy must be comprehensive enough to accomplish the broad humanitarian goals of the program. Immigration Visa Processing will often be sufficient to do so; but under the new U.S. policies, many cases will be encountered in which some family members are not presently and perhaps never would be eligible for immigration processing. In such cases, U.S. policy would divide families; the Orderly Departure Program is, above all, a family reunification program. Because the voluntary agencies are committed to the principle of family unity, we encourage, at the very least, flexibility within these and any future policy revisions to allow for the expeditious movement of non-current or ineligible Immigrant Visa Beneficiaries.
- . While maintaining the original ODP eligibility criteria, the U.S. and Vietnamese ODP programs need to cooperate to resolve one of the most significant problems faced by persons attempting to leave Vietnam via ODP: the loss of entitlements people suffer after having obtained their exit permits. To alleviate this unnecessary suffering, we recommend the development of a coordinated U.S./Vietnamese mechanism whereby the issuance of an exit permit would in fact be the first step in the process of resettlement in the U.S.

The conflicts that brought more than a decade of refugee

crises in Indochina were many years in the making. The solutions to those crises, one of which is the Orderly Departure Program, have taken many years to develop and implement, and they will require time to complete.

The Orderly Departure Program has achieved much because of the careful, deliberate consideration given by all parties concerned. ODP has been a route of hope for more than 110,000 people; we are confident that if careful and circumspect consideration continues, ODP will achieve its humanitarian purposes for thousands more.

Part I

ODP THROUGH 1985:
AN OVERVIEW

Prelude To ODP

The military and political conflicts that culminated in the April 1975 collapse of the Republic of Vietnam uprooted hundreds of thousands of people. Some 123,000 Vietnamese were evacuated to the United States in the last days of the Saigon government, and numerous others fled the country by any available means. The reforms initiated by the Socialist Republic of Vietnam exacerbated the difficulties of southern Vietnamese facing life under the revolutionary government, and in slowly but steadily increasing numbers, people escaped from their homeland. By the end of 1978, more than 100,000 Vietnamese had successfully made the journey across the South China Sea and were living in squalid refugee camps scattered throughout Southeast Asia. No one knows how many perished at sea attempting to escape. By late 1978 the plight of the "boat people" had reached enormous proportions, and the continuing exodus was a cause of grave concern for the government of Vietnam, for the countries providing first asylum, and, most of all, for the refugees themselves.

In mid-December 1978, a UN-sponsored conference in Geneva addressed the myriad problems precipitated by the Indochinese exodus. (Thousands of persons had also fled Laos and Cambodia in the wake of the turmoil of early 1975.) One topic discussed among the 37 attending nations was the possibility of a more ordered, legal means of departure for persons desiring to leave Vietnam. Such a mechanism would provide relief for first asylum countries, offer an alternative to the dangerous boat journey, and save the Vietnamese government the embarrassment of an uncontrolled, illegal exodus of thousands of its citizens. And there was precedent for such a program: U.S. Senator Edward Kennedy, as Chairman of the Senate Subcommittee on Refugees, had raised the possibility of a family reunion program with Vietnamese government representatives on a number of occasions since 1975. Subsequently, a very limited number of persons had

been able to depart legally for the U.S. via the "Air France" program, an arrangement whereby the French airline and the United Nations facilitated the direct departure to the U.S. of certain persons eligible for immigrant visas. In August 1978, Senator Kennedy himself flew to Hanoi to accompany some Vietnamese leaving to join family in the United States. The stage was set; the real challenge would be to obtain Vietnamese cooperation.

January 1979: The Vietnamese Foreign Ministry Announcement

On 12 January 1979, exactly one month after the Geneva conference concluded, Vietnamese Foreign Minister Nguyen Duy Trinh announced his government's intention to grant exit visas to those wishing to leave the country by legal, orderly means. According to the text of his statement (see Annex I), this initiative by the Vietnamese government was made "in accordance with its humanitarian policy and the laws in force", and would provide exit visas to all those requesting them except "those who have military obligations; those who are in possession of state secrets or who occupy important posts in the field of production, and who are irreplaceable for the moment" and "those who are, at present, on trial." The statement called on the United Nations High Commissioner for Refugees to assist in establishing the procedures that would make such a program for legal exit possible.

May 1979: The Memorandum of Understanding

Responding to the Vietnamese invitation, then-U.N. Deputy High Commissioner for Refugees Dale de Haan traveled to Hanoi to work out the terms of an orderly departure program. As a long-time staff member for Senator Edward Kennedy and the Senate refugee subcommittee, Mr. de Haan was well-acquainted with the precedents and principles on which the program would be based. During two weeks of discussions held in late February - early March and again in May, the Vietnamese government and UNHCR

representatives came to agreement on seven basic points upon which legal exodus from the Socialist Republic of Vietnam was established. This seven-point agreement was formalized in a Memorandum of Understanding concluded between the SRV and the UNHCR on 30 May 1979 (see Annex II).

As the fundamental instrument for implementing the Vietnamese desire for a legal departure program, the Memorandum of Understanding defines both the intention and the mechanism of the program. The first of the seven points describes the "authorized exit of those people who wish to leave Vietnam and settle in foreign countries" to be accomplished for "family reunion and other humanitarian cases." The second point describes a list exchange process whereby cases are authorized to depart Vietnam based upon their appearance on both the Vietnamese list of those eligible for exit visas and the receiving country's list of those for whom entry visas would be granted. Cases on only one of the two lists would be subject to discussions between the governments of Vietnam and the receiving country or, where direct discussions are not possible, between the Vietnamese government and the UNHCR. Beyond these descriptions of the program's basic form and intent, the Memorandum lacked specifics; the remaining five points speak very briefly of the support and cooperation of all concerned parties necessary to make the program work.

With the signing of the Memorandum of Understanding, hopes and expectations soared. Boat arrivals were continuing at a high rate, and all sides seemed anxious to get an orderly departure program in place and operating. The UNHCR held discussions with receiving countries, including the U.S., to enlist their cooperation and involvement. Other receiving countries would be able to carry out the necessary day-to-day operations directly through their diplomatic staff posted in Vietnam; but given the lack of relations between the United States and the Socialist Republic of Vietnam, U.S. program facilities would have to be located in Bangkok, Thailand, the consular post most accessible

to Vietnam. In July of 1979, a small team of U.S. consular officials and one voluntary agency staff member traveled to Bangkok to set up the U.S. office there. Because it was impossible for U.S. government officials to live and work in Vietnam, the voluntary agency staff member represented the U.S. program in Vietnam as a seconded employee of the UNHCR. The person selected for this task was Michael Myers, a Church World Service employee who spoke Vietnamese and had extensive experience with Vietnamese refugees.

Mr. Myers arrived in Hanoi in October 1979, and in meetings with the Director of Consular Affairs for the Vietnamese foreign ministry worked out the procedures for exchange of U.S. and SRV lists and for pre-departure interviews by the UNHCR representative. (Note: In this report the term "UNHCR representative" denotes those U.S. voluntary agency staff working in Vietnam under UNHCR auspices as representatives of the U.S. program.) In November the first exchange of lists took place; but matching of the SRV* list of 21,000 and the U.S. list of 4,000 produced the names of fewer than a dozen persons who were mutually acceptable for both departure and entry. It was immediately apparent that operation of a program for orderly departure to the United States needed to be further defined.

October 1980: The "Aide Memoire"

The greater part of the next ten months was spent hammering out the specifics of the U.S.-SRV program. Through Mr. Myers and the UNHCR mission in Hanoi, the Vietnamese Ministry of Foreign Affairs and the U.S. Department of State came to agreement on specific guidelines by which the program would operate. In October 1980, SRV and UNHCR representatives signed an "aide memoire" formally stating these points.

* The designation SRV, used frequently in this report, is intended to refer not only to the Socialist Republic of Vietnam but also to those SRV authorities involved in the operation of the ODP.

The "aide memoire" embodied no changes in the principles established in the Memorandum of Understanding, but rather expanded upon them. (The "aide memoire" is an internal, working agreement established between the Vietnamese government and the UNHCR; it is not included in the annexes of this report.) It provided for a pre-departure interview by the UNHCR representative for all cases appearing on both lists, to be followed by U.S. approval as soon as the pool of interviewed persons reached 200-300. It also provided for a medical examination of each interviewed applicant prior to departure from Vietnam. But most significant was the initial premise stated in the "aide memoire": that the U.S. would accept for movement to the U.S. essentially all persons whose names appeared on both the U.S. and the SRV lists. In referring to those persons whose names appear on both lists, the first section of the "aide memoire," entitled "Principles," states that the United States will in principle accept all such persons. The rejection of interviewed cases by the U.S. would be the exception, and reserved only for cases of false declaration or documentation, or where the medical examination identified a condition which precluded the applicant from entry to the U.S.

The U.S. and Vietnam continued to exchange lists throughout 1980, and by the time the "aide memoire" was signed, the pool of mutually acceptable cases had reached 1,800. With the question of implementation of the U.S. program finally resolved, exit interviews began in November. In December 1980, the first persons to depart Vietnam legally via the U.S. Orderly Departure Program were reunited with their families in the United States.

Program Operations: Policies and Procedures

Vietnam: Departure Process

The challenge facing any resident of Vietnam wishing to leave legally is straightforward: get an exit permit. The exit permit ("giay xuat canh" in Vietnamese) is a personal document issued by the Ministry of Internal Affairs (Bo Noi Vu) to an individual who has requested to depart for permanent residence abroad - it is not a passport, but rather a document authorizing one-way exit. It contains the holder's photograph (embossed with an official seal to prevent alteration) and lists his or her full name and aliases, date of birth, nationality, ethnicity, profession, residence address, the airport from which he or she is authorized to depart, and the country of destination. It also includes the photograph, name, and birthdate of any children under age 14 dependent on the holder, and has a validity of one year.

If the challenge of getting an exit permit is a straightforward one, the actual procedures involved are less so. Each exit permit applicant must clear at least three levels of bureaucracy in Ho Chi Minh City, a large administrative area which includes Saigon and surrounding suburban districts; for provincial residents, exit permits are issued from Hanoi, where the remoteness and inaccessibility of the issuing authorities complicate an already difficult process. The process is essentially uniform regardless of the applicant's place of residence, but whereas authorities resident in Ho Chi Minh City are empowered to issue exit permits, no such representative of the central government exists at the provincial level - having cleared the province authorities, a rural applicant's file must be sent to Hanoi for final disposition. It is not known to what extent uniform criteria are applied in deciding provincial applications given that the Hanoi authorities are unable to deal directly with the applicant. Because the vast majority of ODP

applicants reside in Ho Chi Minh City, only the procedure for Ho Chi Minh City residents will be described in detail here.

An applicant in Ho Chi Minh City begins by going to his District People's Committee office (Uy Ban Nhan Dan Quan). (Ho Chi Minh City, population 3.5 million, is divided into 17 administrative districts.) The applicant fills out an exit permit request, and is required to present documents establishing his identity and his relationship to the relative abroad: birth certificate, marriage certificate, identity card, residence verification, photograph, the U.S. relative's birth certificate (marriage certificate if U.S. relative is spouse), and some document from the relative in the U.S. establishing sponsorship. When district officials find the applicant's file to be complete, it is endorsed and sent to the Foreigners' Mission Office (Phong Cong Tac Nguoi Nuoc Ngoai), the arm of the city's public security agency responsible for emigration and for foreign residents living in the city. This city agency will review the file, conduct a security investigation of the applicant, and generally see if there is any reason the person should not be permitted to leave the country. The applicant is called in to supplement his file with additional documentation and interviewed, if necessary. When this office has approved the file, it is sent to the Office of the Director for Foreigners, Exit, and Entrance (Cuc Quan Ly Nguoi Nuoc Ngoai va Xuat Canh Nhap Canh), a division of the national public security agency (An Ninh Nhan Dan), which is part of the SRV Ministry of Internal Affairs. Because of the lengthy names of the two agencies described above, ODP applicants commonly refer to them by the streets on which they are located: Nguyen Du and Nguyen Trai.

Nguyen Trai, being the national government's local representative, is the agency empowered to issue exit permits. This agency conducts what is by all reports a routine review of the file, issues the exit permit, and returns them both to Nguyen Du. (In special cases, Nguyen Trai may conduct an additional

security investigation with the applicant's Neighborhood People's Committee - Uy Ban Nhan Dan Phuong.) After receiving the exit permit, Nguyen Du will summon the applicant to receive it, for which he must pay a nominal fee.

After receiving an exit permit, the applicant must be interviewed by the UNHCR representative in Vietnam. The UNHCR representatives for the U.S. in Vietnam are all voluntary agency staff seconded to the UNHCR and traveling on United Nations Laissez-Passers. The U.S. interviewing team lives and works in Ho Chi Minh City, officially as field staff of the Hanoi UNHCR office, (a convenient location, since the great majority of those persons who have files in the U.S. ODP office reside in Ho Chi Minh City). Province cases must come to Ho Chi Minh City for interviews, regardless of where they reside. UNHCR interviews are set by the Bureau of Foreign Affairs (So Ngoai Vu) in Ho Chi Minh City, part of the Ministry of Foreign Relations (Bo Ngoai Giao). In the early days of the program when exit permit holders were few, interview invitations were sent unsolicited by Nguyen Trai to the applicants after they received their exit permits. Although unsolicited interview appointments are still occasionally given, the normal procedure now is for the interview to be requested from the Bureau of Foreign Affairs by the person holding an exit permit. Vietnamese authorities have stated that priority for UNHCR interview is based on the date of issue of the exit permit, with exceptions for the elderly and sick. The progression of issue dates on exit permits of persons presented for interview in recent years indicates that interviews are generally scheduled as the SRV has described.

On the morning of their interviews, interviewees are transported by government vans from a central point downtown to the UNHCR office at Thu Duc in suburban Ho Chi Minh City. On a case-by-case basis, the UNHCR representative checks the individuals' documentation and identity to confirm eligibility for the U.S. program. Any discrepancies or inadequacies are pursued with the

interviewees and these discussions are detailed in the interviewer's case notes. Depending on the size and complexity of the case, the interview may take from a few minutes to several hours. When the interview is completed, the family is given the appropriate medical forms and sent for examination (within one week) at a nearby hospital.

The interview file and medical examination ("med-X") results are sent to Bangkok via UNHCR, where U.S. government officials make a final decision to approve, reject, or defer the case.

After a case has received the final approval of U.S. embassy staff in Bangkok, it is placed on a list of approved cases ready to travel which is telexed to the UNHCR working group in Ho Chi Minh City. This "approval telex" is passed to Vietnamese authorities who prepare a flight manifest. This process takes at most a few weeks. Manifests are posted at the Bureau of Foreign Affairs, where interviewed families go to check their departure date (always a Thursday for U.S. cases). Several days before their flight, the families check-in and clear customs at Tan Son Nhut airport in Ho Chi Minh City, and on the following Thursday, after an identity check by UNHCR staff and Vietnamese government officials and a brief interview by U.S. consular officers who travel to Tan Son Nhut to accompany the departing families, they leave Vietnam.

The United States: Admissions Process

The negotiations and agreements which resulted in the orderly departure program spoke generally of "exit visas" and "entry visas" in terms which said nothing of how individuals would obtain them. In Vietnam it has been necessary to have exit permission before pre-departure processing can begin;* by

* Recently, some countries such as Canada and Australia have interviewed cases from a "promissory list" of persons approved for exit permits, with the understanding that their exit permits would not be issued until they have received the assurance of an entry visa from the receiving country.

contrast, given the diplomatic constraints of the U.S.-SRV program, an individual is not issued a U.S. entry visa until he has actually departed Vietnam and is presented to consular officers at the American Embassy in Bangkok.

Under U.S. law, the standard channel for legal emigration from a person's home country and entry into the U.S. is the immigrant visa program, established by the Immigration and Nationality Act. Through this program, permanent resident aliens may petition for their spouses and unmarried sons and daughters, and U.S. citizens may petition for their spouses, parents, sons and daughters, and siblings. Visas are issued in unlimited numbers to the spouses, children, and parents of U.S. citizens, and to the other relatives described above according to a preference system limited to 20,000 persons per country per year. The preference system requires certain classes of visa beneficiaries to wait for their visas to "become current" (that is, to be available for issuance), a wait that, depending on the volume of visa applicants, can be as long as ten years.

In March 1980, the Refugee Act was passed by Congress and signed into law. An amendment to the Immigration and Nationality Act, the Refugee Act provides for the admission to the U.S. each year of certain persons who can demonstrate a "well-founded fear of persecution" and who are of special humanitarian concern to the U.S. Such persons are to be admitted to the U.S. with the immigration status of refugee. A Presidential Determination of May 1, 1980 (see Annex III) specified the immediate implementation of the Act.

Recognizing the limitations of the immigrant visa system and its inadequacy for fulfilling the broad humanitarian goals of the orderly departure program, the Presidential Determination allowed residents of Vietnam to be considered and processed as refugees, a designation usually reserved for persons who have already fled their country. At the same time, the Departments of State and Justice developed criteria for categories of refugees eligible

for orderly departure from Vietnam (see Annex IV). These criteria defined three basic categories: family members of persons in the U.S. not currently eligible for immigrant visas (Cat. 1); former employees of the U.S. government (Cat. 2); and other persons closely associated or identified with the U.S. presence in Vietnam prior to 1975 (Cat. 3). Later, the third category was expanded to include children of American citizens (Amerasians) and their immediate family members.

Thus, a person can travel to the United States via ODP as an immigrant, following the normal U.S. visa issuance process used worldwide, or as a refugee, in accordance with the ODP refugee categories established by the U.S. government.

When the staff charged with establishing a U.S. orderly departure program office arrived in Bangkok in July 1979, they inherited dormant stacks of approved immigrant visa petitions which had been accumulating there since 1975. In the absence of consular relations with Vietnam, the Immigration and Naturalization Service had been forwarding approved petitions to the closest consular post. The arriving staff team (three U.S. consuls and Michael Myers) was known as the Vietnamese Processing Unit (VPU). Under the guidance of VPU Director Lee Peters, they began to review the accumulated petitions. Rumors of an emerging program for legal exodus from Vietnam resulted in a flood of new petitions filed by anchor relatives in the U.S., and by October 1979 there were 10,000 visa petitions on file in the VPU, most of them less than six months old. From the initial review of these petitions came the first U.S. lists which were sent to the Vietnamese authorities in late 1979. This cumulative list of persons known to be approvable for entry into the U.S. was known as the Visa Entry Working List (VEWL), and was the counterpart of the SRV exit permit lists, referred to by UNHCR staff in Vietnam as the Visa Sortie Working List (VSWL).

After the arrival of the more than 100,000 Vietnamese evacuated to the U.S. in April 1975, a few forward-looking voluntary

agencies began to gather information on family members of the evacuees separated during the final chaos and still stranded in Vietnam. Most notable in this effort was Mr. John McCarthy, then Executive Director of Migration and Refugee Services for the United States Catholic Conference (USCC). This data was mostly in the form of affidavits of relationship completed by the anchor relative, a useful information base should a legal family reunification program ever materialize. After the Memorandum of Understanding was signed, the American Council of Voluntary Agencies held meetings to discuss their role in facilitating family reunion through ODP. Affidavits of relationship began to flow from U.S. volags to the Vietnamese Processing Unit, and with the advent of the Presidential Determination, the foundations for the refugee component of the family reunification program were in place.

In April 1980, the USCC assigned a full-time staff member to the Vietnamese Processing Unit to strengthen U.S. voluntary agency support for the program. By the end of the year, there were 20,000 immigrant visa files in existence and a small but growing number of refugee files, opened on the basis of affidavits of relationship from the U.S. and correspondence and exit permits from Vietnam. The growing number of case files, combined with the continuing task of comparing the U.S. and SRV lists, made it clear that the burden of operating the VPU had gone beyond the capabilities of the limited U.S. consular staff assigned to the program. As a result, the Department of State in January 1981 contracted with the International Catholic Migration Commission, the U.S. Catholic Conference's international affiliate, for the day-to-day operation of the Bangkok ODP office. (In such arrangements, the agency contracted by the U.S. government for program operations represents all U.S. voluntary agencies involved in refugee resettlement, and is thus designated Joint Voluntary Agency--JVA). With this contract, the Vietnamese Processing Unit was dissolved, and the orderly departure program

office it comprised became the U.S. Orderly Departure Program office. Within a few months this joint U.S. government - voluntary agency operation was handling a caseload of more than 50,000 immigrant and refugee files.

In the pre-VPU era of the so-called "Air France" program, the Bangkok embassy would occasionally issue a Letter of Introduction (LOI) for a person living in Vietnam who was the beneficiary of an approved immigrant visa petition. This letter, issued on embassy letterhead and bearing a U.S. consular signature and seal, stated briefly that the named individual was eligible for a U.S. entry visa; with this guarantee, Air France allowed the person named to board the U.S.-bound flight. These first LOIs were sometimes useful in securing official permission to leave Vietnam. With the coming of the VPU a procedure was established whereby the embassy computer would generate a LOI for each case at the time it was entered on the Visa Entry Working List. The LOI was sent to the U.S. anchor for their relatives in Vietnam to use in obtaining an exit permit and pre-departure interview, and copies were sent to the UNHCR working group in Vietnam for passing to the Vietnamese authorities. Whereas the VEWL was a massive list of thousands (and later tens of thousands) of names, the Letter of Introduction was a singular document that an applicant could present to show that he indeed was eligible for entry to the U.S. and should therefore be granted an exit permit. Shortly after the initiation of the JVA (Joint Voluntary Agency) ODP operation, a routine review of all files was commenced that would result in LOI issuance for those files found to be documentarily complete.

The lack of anything resembling modern information processing capabilities in Vietnam made the LOI, in practice if not in theory, a more useful document than the VEWL. It was obvious very early on that the Visa Entry Working List was simply too big to be useful to the Vietnamese authorities in their attempts to identify those persons eligible for U.S. entry. In

an effort to provide the Vietnamese government with at least some type of usable list of definitely U.S.-eligible cases, U.S. ODP Director Donald I. Colin initiated in October 1982 a series of Short Priority Lists--SPLs. Each SPL would be limited in number - a few hundred cases, perhaps - and represent a group of U.S. priority cases: American citizens, present and former reeducation prisoners, documented Amerasian children, etc. Although there are no comprehensive statistics showing the level of Vietnamese responsiveness to the U.S. priority lists, indications are that it has grown slowly but steadily over the years. Today Short Priority Lists continue to be issued for American citizens, children of special concern, and spouses and children of U.S. residents.

Issuing the Visa Entry Working List, Letters of Introduction, and Short Priority Lists is the basic function of the U.S. ODP office for cases not yet presented for a pre-departure interview in Vietnam. After the UNHCR representative interviews a case and sends the interview file to Bangkok, ODP staff work to bring the case to documentary completion - that is, to the point where a consular officer can finally approve or reject the case. Only U.S. consular and immigration officers have the authority to adjudicate cases - the JVAR staff can assist only in completing the file so that final adjudication is possible. The List Review unit, established in late 1982, was set up to facilitate the JVA caseworkers' involvement in preparing cases for final resolution. If the consular official was unable to approve or reject a case, he would send it back to the List Review caseworker for additional documentation substantiating the applicant's eligibility for the U.S. program.*

After a case is approved, the approval telex is sent to

* With the creation of the Approval Unit (discussed later), the List Review unit was restructured to review ODP files that appeared on an interview list before they were interviewed in Vietnam. The Approval and List Review Units were combined in early 1986 to make the Interview Review Unit.

Vietnam and the case departs as previously described. The Royal Thai Government grants ODP travelers a 12-day transit stay at the Suan Phlu Immigration Center in Bangkok, during which they are issued their visas/travel documents, and they complete other formalities required prior to entering the U.S.

If an interviewed case is rejected, a letter of rejection is sent to the SRV through UNHCR. A copy is then passed on to the applicant in Vietnam by the Vietnamese authorities.

Departures to Other Receiving Countries

Given that the United States is the only one of the more than forty receiving countries that lacks consular relations with Vietnam, the labyrinthine processes that characterize the U.S. program are the exception rather than the rule. France, Canada, West Germany, and Australia all maintain generous and active ODP programs, as do Belgium and Great Britain, although to a lesser degree. These programs are also based upon the UNHCR-SRV Memorandum of Understanding, and are generally conducted bilaterally by accredited diplomatic officials working and perhaps living permanently in Vietnam. The French program is especially direct, since there is a French consulate in downtown Ho Chi Minh City (from which legal departures to France took place as early as 1976). The presence of consular relations allows officials of the receiving country to interview the applicants directly and make final adjudication at the time of the interview, if desired.

Part II

ODP TODAY:
DEVELOPMENTS AND IMPLICATIONS

Accomplishments Through 1985: The First Five Years

Talk of a mechanism for legal departure from Vietnam was greeted with skepticism from the very start. Enlisting the support of the security-conscious, revolutionary Vietnamese government would be an impossible task, and the absence of diplomatic ties would preclude a U.S. program, critics said. But more than five years of careful cooperation between the Socialist Republic of Vietnam, the United States, and the forty other receiving countries have proved the skeptics wrong. Seemingly insurmountable operational obstacles have been removed, and more Vietnamese emigrate to other countries via ODP than by any other means, including illegal ones.

While it is impossible to quantify the extent to which the availability of legal departure has been a direct deterrent to clandestine escape by boat, the relevant statistics give us a general indication, at least, of the extent to which it has served as an alternative escape route.

Boat Arrivals vs. ODP Departures

(Source: UNHCR)

Calendar Year	Boat Arrivals In Countries of First Asylum	ODP Departures	ODP Portion of Total
1980	71,451	4,706	6.2%
1981	74,749	9,815	11.6%
1982	43,807	10,057	18.7%
1983	28,055	18,978	40.4%
1984	24,865	29,154	54.0%
1985	22,258	24,940	53.0%

(Note: It is unknown how many persons departed Vietnam by boat and perished at sea. Thus the number of boat departures for any given year is somewhat higher than the number of arrivals in countries of first asylum. Some sources estimate that as many as half of all persons leaving Vietnam by boat perish during the journey. Total boat refugee arrivals in Southeast Asian asylum countries since April 1975 number about 650,000.)

There are other factors besides the availability of legal exit which may result in a decrease in boat departures: Vietnamese government efforts to curtail illegal departures, the U.S. policy decision to cease processing refugees arriving in asylum countries in Southeast Asia after April 30, 1982 who lack direct ties to the U.S. (broadcast widely by The Voice of America and the BBC World Service), and the "humane deterrence" policies implemented by first asylum countries are a few. Less obvious factors such as a shortage of seaworthy boats and the difficulty of obtaining sufficient fuel may also contribute to the decline. There are too many uncertainties to assert that the trend of decreasing boat arrivals has been the direct result of increasing orderly departures, but it is clear that the UNHCR program for orderly departures has supplanted illegal boat escape as the predominant means of exit from Vietnam. The turning point came in August 1983 when, for the first time, the number of departures via ODP exceeded the number of new boat arrivals. More than 115,000 persons have traveled to receiving countries since the program's inception, the vast majority to join immediate family members living abroad. Of all ODP departures, 44%--more than 50,000 persons--have come to the United States.

Orderly Departures From Vietnam

(Source: UNHCR)

	Jun-Dec 1979	1980	1981	1982	1983	1984	1985	Jan-Sep 1986	Total
U.S.	289	1,397	2,297	3,871	8,242	13,304	13,322	7,704	50,426
Canada	58	341	1,601	1,946	3,253	7,623	5,837	2,095	22,757
France	591	1,806	2,231	2,150	2,229	1,618	1,394	685	12,704
West Germany	392	333	1,180	629	1,678	1,733	1,148	472	7,578
Australia	112	41	63	184	904	2,776	2,087	2,220	8,387
Great Britain	20	77	394	200	844	609	314	210	2,668
Belgium	280	226	643	359	448	333	137	75	2,501
Others receiving less than 2000 total	231	485	1,406	718	1,380	1,158	701	499	6,584
Total thru Sept. 1986									113,592

Obviously, there are some persons in Vietnam who desire to leave regardless of the fact that they do not meet any of the receiving countries' criteria or the SRV criteria for an exit permit. For these, there is no choice but clandestine flight. But discussions of direct deterrence aside, it is clear that the Orderly Departure Program has gone from a small program that affected only a few - 6.2% of all arrivals in receiving countries from Vietnam in 1980 - to become the means of exit for the majority of those who successfully emigrate from Vietnam - more than 50% of all arrivals in receiving countries for 1984 and 1985. It appears that ODP has been effective and is continuing to fulfill its chartered mission as a safe, legal, orderly route for exit from Vietnam.

The ODP Clientele

Given that the May 1979 Memorandum Of Understanding refers

to a program for the legal exit of "family reunification and other humanitarian cases" it is appropriate that the large majority of the ODP clientele, both those already departed and those still in some stage of processing, have been cases of family reunification. A smaller percentage of the U.S. ODP caseload has been those individuals lacking a family link to the U.S. but still eligible under the joint State/Justice Department guidelines: mainly former U.S. government employees, other close associates of the U.S. before 1975, former reeducation camp internees, and Amerasian children and their families.

Of the total number of ODP departures for the U.S., Amerasian children and their immediate family members total nearly 9,000, comprising roughly one-fifth of the total U.S. arrivals. The Bangkok office has files on another 8,600 Amerasians who have not yet received exit permits or who are awaiting pre-departure interviews. (It should be noted that the Vietnamese government has never considered Amerasian children to be within the scope of ODP. They consider this to be a bilateral issue which has been handled thus far through the UNHCR.)

It is much harder to know how many Category 2 and non-Amerasian Category 3 eligible cases have come to the U.S., for an individual's qualifications under these categories are pursued only in the absence of a verifiable family reunification link. No one knows how many of those who achieved family reunification through ODP had independent eligibility as Category 2 or 3 ODP refugees. Statistics do show the proportion of non-family reunification files present in the ODP office, all of which are non-interviewed, non-departed cases: as of 30 June 1986, of a total caseload of 150,738 files/647,326 persons, 30% (42,725 files/201,767 persons) were non-family reunification cases. (It should be noted that files are opened by ODP/Bangkok only for those individuals whose documents indicate probable eligibility for the U.S. program. If incoming correspondence or affidavits of relationship indicate ineligibility under U.S. criteria, a

file is not opened, but rather the applicant is advised of ODP criteria and encouraged to re-apply should he appear eligible in another category.)

Of ODP family reunification departures, holders of immigrant visas have overall been a significant proportion - about one-third.

U.S. ODP Departures from Vietnam: Immigrants and Refugees
(Source: Department of State)

Year	Immigrants	Refugees	Immigrant % of Total
1981	1,191	1,069	52.7%
1982	964	2,827	25.4%
1983	1,909	6,257	23.4%
1984	3,823	9,590	28.5%
1985	3,840	9,528	28.7%
1986 (Jan-Sept.)	3,236	4,443	42.1%
Total	14,963	34,279	30.38%

(Note: These statistics do not include 305 non-immigrant, non-refugee persons who entered from 1980-1985.)

The number of refugees admitted via ODP shown above includes a number of non-family reunification cases, i.e. individuals who qualified under Categories 2 and 3 of the U.S. ODP eligibility criteria. Because of this, the actual percentage of immigrant visa holders in relation to total family reunification cases is slightly larger than the overall figure of 30.38%. A complete breakdown of non-family reunification refugee cases admitted each year is not available, making an exact calculation impossible.

Evolution of the U.S. Processing System

The JVA operation as it was set up in Bangkok in early 1981 consisted of a series of work units designed to execute the various functions of U.S. ODP processing. The JVA staff were responsible for the largest part of the technical operations at ODP; only those tasks which required consular authority, such as LOI authorization and review and adjudication of interviewed cases, were reserved for U.S. government officials stationed at ODP. In the years that followed, the JVA staff was expanded steadily in an attempt to keep pace with the growing number of ODP files; the 100,000th active file was opened in January 1984. But despite staff augmentations, ODP became overwhelmed in their effort to conduct systematic file review for LOI issuance and "VEWLing" (term for the inclusion of a case on the Visa Entry Working List). New files were being created much faster than the existing files could be reviewed and VEWLed.* By mid-1984 staff were devoting all their time to the growing number of case inquiries by U.S. Congressmen, an obvious priority, and to the production of the Short Priority Lists. It was apparent that without a major procedural revision, only those cases fortunate enough to have a Congressional inquiry or to be of special concern would receive any attention.

The solution to this problem was the "priority review system" implemented in October 1984. All family reunion files were subject to the priority review system, regardless of special inquiry, and priority was given to cases of immigrant visa beneficiaries and to those which had been on file for the longest time. The priority review system provided an equitable mechanism whereby all ODP files would (in theory, at least) eventually be reviewed for LOI issuance.

* Although VEWL production continues, the actual list has not been sent to the SRV since 1984, given the practical constraints of size and usability mentioned earlier. LOIs are still sent to Vietnam via UNHCR.

When this system became operational, it was thoroughly explained and publicized through the U.S. voluntary agencies and in all outgoing correspondence from the ODP office. Boilerplate language was developed for use in responding to all case inquiries, and time lines were set for completion of various phases of file review. The early 1985 publication and distribution of the ODP "Procedural Guidelines" booklet, which contains the ODP Review Priorities (see Annex V), furthered the American Vietnamese community's understanding of the revised ODP operating procedures.

The first year of priority review operation proved the new system's advantages. The number of files reviewed increased by more than two-thirds (from 13,136 in FY84 to 22,095 in FY85) and the number of cases LOIed and VEWLed tripled (from 2,931 in FY84 to 8,775 in FY85), despite a 60% increase in the number of Congressional inquiries (1,856 in FY84, 2,933 in FY85). A unit staff increase of 30% had resulted in a much higher increase in productivity. Even more important, the review was running two months ahead of the schedule projected a year earlier. The priority review system was a success.

At about the same time this system was implemented, the Approval Unit was formed. With the October 1983 expansion to five of the UNHCR U.S. interview staff in Vietnam, cases were being interviewed in Vietnam faster than they could be reviewed and adjudicated in Bangkok. By mid-1984, thousands of interviewed files had amassed, many of them complete and ready for approval. Under the existing system, a consular officer was required to review each interviewed file and decide what documentation was necessary for the case to be approved; the formation of the Approval Unit transferred the responsibility for post-interview review and completion entirely into the hands of JVA caseworkers, and reserved precious consular work time for the actual adjudication of completed cases.

Additional JVA staff were recruited, existing and new staff

were given required training, and the Approval Unit went into action in mid-November 1984. They began a review of the backlog of interviewed files, beginning with the oldest cases (some had been interviewed more than six months earlier), in accordance with a four-tier priority system: spouses and minor children of U.S. residents; former U.S. government employees and associates, parents and siblings of U.S. citizens; and other family reunion cases.

With the Approval Unit in operation, the backlog of unreviewed interviewed files did not grow larger; nor did it disappear. One year after its inception, 6,000 interviewed persons were still awaiting file review. The production of adjudicated cases had soared, a result of the increased effectiveness of the new unit and of the assignment of an Immigration and Naturalization Service officer (in March 1985) to assist consuls in the approval of refugee cases. But many files were still waiting more than six months for final review, and with the U.S. team in Vietnam interviewing 1,500-2,000 new persons each month (while monthly departures averaged 1,100), the prospect of the unit's workload "becoming current" was almost nil.

But what is perhaps the most significant change in the U.S. ODP operation took place three years before the advent of the LOI/VEWL priority review system and the Approval Unit.

The Memorandum of Understanding provided for persons to be presented for pre-departure interview in Vietnam based on their appearance on both the U.S. (VEWL) and SRV (VSWL or exit permit) lists. Those persons appearing on both lists would make up the Joint Working List (JWL) from which interviews would be arranged. The aide memoire, as mentioned previously, specified that the United States essentially would accept all cases on the Joint Working List and approve them for departure as soon as several hundred (about one flight's worth) had been interviewed. In reference to the interview of JWL cases by the UNHCR

representative, Section I of the Aide-Memoire states, "In principle, all the persons mentioned above will be accepted to enter the United States." It took most of 1980 for the Joint Working List to grow to the point where Vietnamese authorities were willing to arrange interviews - 2,000 persons, about one month's interviewing at that time - and with these interviews and the subsequent departures, a year's joint list output was effectively depleted. In some senses, 1981 was a replay of the previous year: the JWL again grew slowly, and no interviews occurred until the latter part of the year, when a sufficient pool of cases had gathered. Interviews and departures again took place, and the JWL was once again depleted.

At the end of 1981, near the completion of joint list case interviews, the Vietnamese authorities presented to the U.S. representative for interview some non-Joint Working List persons who had exit permits to depart for the U.S. The continuation of interviews and the implied continuation of departures would maintain the program's momentum and perhaps relieve the frustrations with the laborious JWL system of all parties anxious for the program to grow. From the U.S. perspective, there were two distinct advantages in interviewing unsolicited, non-JWL cases: first, the U.S. would be relieved of the aide memoire's requirement that cases be approved and depart as soon as several hundred were interviewed, and second (and more important), the initial condition stating the U.S. in principal would accept all interviewed cases would no longer hold fast. The U.S. had accepted eleven persons ineligible for U.S. entry from the first group of interviewed JWL cases in late 1980 to prevent violation of the aide memoire. With the interview of unsolicited cases, the U.S. was free to accept those persons who met U.S. criteria and reject those who did not.

Considering that the U.S. had no direct input into the interview lists of unsolicited cases, the percentage of U.S. eligible persons was surprising. More than three-quarters of

those cases on the first list met U.S. ODP criteria - many had files already opened in the U.S. Bangkok office. Subsequent interview lists provided by the SRV contained an even higher proportion of U.S.-eligible cases, sometimes in excess of 90%. Eligible cases were approved and departed, and during 1982 the U.S. program accelerated at a rate that surpassed the highest output levels of the Joint Working List system. By 1983, the great majority of cases presented for interview had ODP files in Bangkok opened prior to their appearance on an SRV interview list, and most family reunification cases possessed an Affidavit of Relationship filed through a U.S. voluntary agency. Because this interview system met the goals of both the United States and Vietnam, it stayed in effect until pre-departure interviews for the U.S. ceased in January 1986. The list exchange process established by the Memorandum of Understanding was not an operational part of the exit mechanism after the end of 1981. (As stated earlier, Short Priority Lists continue to be submitted to the Vietnamese authorities on a regular basis.)

While the high proportion of U.S.-eligible persons on the lists of unsolicited cases can be seen as evidence of efforts by the SRV to coordinate with the U.S. ODP guidelines, it also reflects the simple reality that it is not in the interest of the Vietnamese authorities to issue an exit permit for and send to interview any individual who is going to be rejected by the receiving country. Vietnamese who have departed via ODP indicate that from the time an exit permit request is initiated at the District People's Committee office, the applicant must provide some documentation to convince the authorities that he is eligible for admittance to the receiving country. In the case of someone applying for the U.S., this may be a Letter of Introduction, a U.S. immigration document such as a Notice of Approved Immigrant Visa Petition (INS Form I-171) or Affidavit of Support (I-134), or, most commonly, a voluntary agency's Affidavit of Relationship filed by the relative in the U.S. While Vietnamese

authorities have demonstrated no particular expertise in recognizing the documents that establish U.S. eligibility, they have shown that they understand clearly the U.S. criteria for family reunification via ODP.

Reciprocity in the U.S. Orderly Departure Program

Reciprocity, an important issue in any program that must satisfy more than one party, has been the subject of much rhetoric and misunderstanding regarding the U.S. program. Congressmen, Vietnamese community representatives, and U.S. government officials have all gone on record in recent years with railing indictments of the ODP operation, saying that the U.S. takes too many of "their cases" without getting enough of "our cases." One Congressional staff member, returning from a trip to Thailand that included a visit to the ODP office, reported that "only 28% of the refugees coming out of the ODP are people the U.S. government has ever heard of."* Because these statements have often stopped short of describing the difference between "our cases" and "their cases," statements like these have been repeated more than understood. Indeed, without a thorough understanding of the agreements and operational realities that have given us the ODP in existence today, it is impossible to discern to what degree reciprocity has been attained.

In the 1979 Memorandum of Understanding, reciprocity was a moot point: no case would be presented for exit interview until it met the approval of both countries. With the exit interview system that evolved, cases were presented to the U.S. representatives without the certainty that they qualified for U.S. entry -- this was known only after the case was adjudicated by U.S. officials in Bangkok. Persons ineligible for the U.S. were simply rejected. Except for the eleven ineligible persons admitted

* This statement was the result of a misunderstanding. In fact, 28% was the proportion of immigrant visa holders entering via ODP.

after the JWL interviews of late 1980, all persons who have come to the U.S. via ODP were found to meet U.S. criteria by a consular or immigration officer in Bangkok. In a July 1986 interview for this report, Don Colin, Director of the U.S. Orderly Departure Program from March 1981 to July 1985, stated that "At no point since January 1981 have we taken anyone who doesn't meet our criteria." Simply put, each and every person admitted since that time has been one of "our cases."

But because the mechanism developed differently than as described in the MOU, reciprocity has been anything but a moot point. A clearly-stated definition of reciprocity would seem necessary to evaluate the degree to which the program has met U.S. goals and fulfilled the spirit of the Memorandum; yet such a definition has never been set forth by the U.S., a fact witnessed to by Bureau of Refugee Programs Director James N. Purcell, Jr. in his June 20, 1986 testimony before the Senate Judiciary Subcommittee on Immigration and Refugee Policy. "I have been maintaining that we have to define what we mean by 'reciprocity'," Purcell said. "And I say that our 50% or whatever share should include family reunification through immigrant visas; it should include fiancées of American citizens; it should include former U.S. government employees; it should include others of concern to the United States which include employees of the pre-1975 government in South Vietnam, employees of U.S. firms, Vietnamese who studied in the U.S., or others with close ties. It should include Amerasians and families, and political prisoners and their families." Although there is no mention of "reciprocity" of this type in any of the international agreements upon which the U.S. program is founded, Mr. Purcell's testimony seems to be the clearest statement of the definition embraced by U.S. authorities who are setting the present and future direction of the program.

But given even this apparent definition currently in use, all indications are that reciprocity has indeed been attained.

Mr. Purcell, in the same testimony, stated that during Fiscal Year 1985, 55% of those admitted via ODP fell into the categories of high priority described above.* For the first eight months of FY86, high priority persons comprised 66% of all U.S. ODP arrivals. Mr. Purcell's testimony should then lay to rest any doubts one may have about the parity of the program - using even the narrower definition which has emerged from the U.S. side, the U.S. ODP has, since August 1984 at the very least, been more than reciprocal.

* Given that 29% of ODP arrivals in 1985 were immigrant visa beneficiaries, about 26% fell into the other U.S. priority categories described above: Fiancees of American citizens, former employees of the U.S. government, U.S. firms, or the South Vietnamese government before 1975, Amerasian children and political prisoners and their families, and others with close ties to the U.S.

Recent Developments In The Program

In September 1985, at the annual consultations between the Congress, the Administration, and the various government agencies to advise regarding refugee admissions for the new fiscal year, Secretary of State George Shultz reasserted two special initiatives announced one year earlier for the expansion of the Orderly Departure Program. Two subprograms, one each for Amerasian children and current and former reeducation prisoners, were established with the intention of greatly increasing the departures of persons in these groups. These initiatives were announced to the SRV delegation at the annual UNHCR ODP meetings held in Geneva in October 1984 and 1985, but no formal agreement was made with the SRV regarding these U.S. emphases. These sub-programs did not result in any operational changes in the program; rather, the departures of any Amerasian children or former political prisoners via ODP were simply tallied as having been achieved through the new initiatives. Despite the lack of any expressed commitment, the SRV did respond to this clarification of interest by presenting more Amerasians for interview - as a result, the number of Amerasians admitted under ODP nearly doubled in FY85. There was no Vietnamese response regarding reeducation prisoners. Although these initiatives were described in both 1984 and 1985 as steps to "expand" the U.S. ODP, Secretary Shultz recommended a 15% reduction in the FY86 ODP refugee ceiling, from 10,000 to 8,500.*

U.S. Backlogs and Vietnamese Dissatisfaction

Meanwhile, the backlog of unresolved interview files that led to the formation of the Approval Unit was becoming a cause of concern to the Vietnamese authorities. With the UNHCR interview in Vietnam, persons were essentially released for movement from

* The subsequent transfer during FY85 to another region of 2,000 numbers from the ODP allocation resulted in a practical ceiling of 8,000 that year.

the country, and the Vietnamese authorities could not understand why what were often straightforward U.S.-eligible cases could not be quickly approved and then depart. On 17 April 1985, the Ministry of Foreign Affairs in an official communication sent to the UNHCR delegation in Hanoi expressed its displeasure with a backlog of 17,000 persons interviewed by the U.S. team and not yet approved or rejected (see Annex VI). A few weeks later, the Vietnamese government refused a request for a sixth interviewer to travel to Ho Chi Minh City and join the U.S. team.

In August 1985, in similar communications issued to representatives of the U.S., French, Canadian, and Australian programs, the Vietnamese restated their dissatisfaction with all four countries' backlogs of interviewed, unresolved cases. Though the other countries' were substantial, the U.S. backlog was the largest by far. (It is not surprising that the U.S., having the largest program, has the largest backlog. As indicated earlier, almost half of all orderly departures from Vietnam have been through the U.S. program.) Shortly after, the Vietnamese announced that replacements for U.S. interviewers about to depart would not be permitted to enter the country until the backlog was resolved. The Vietnamese saw no sense in continuing to interview large numbers of new persons when the U.S. could not resolve the cases of those already interviewed.

January 1986: The Suspension of Interviews and U.S. Policy Shifts

By the end of 1985, the U.S. backlog had jumped to 22,000. In December, Vietnamese authorities announced that no new cases would be presented for U.S. interview after year's end. In early January, the two remaining U.S. interviewers were asked to return to Bangkok. They did so, and they have not yet been permitted to return.

Luu Van Tanh, Vice Director of the consular section of Vietnam's Bureau of Foreign Affairs in Ho Chi Minh City, addressed

the interview suspension in a May 4, 1986, article that appeared in the Bangkok Nation. "The Vietnamese government was forced to suspend the interviewing and requested the United States to resolve expeditiously the backlog of 20,000 people with exit visas who already have been interviewed," Tanh was quoted as saying. "We want the U.S. side at least to grant definite answers to the cases they will accept and definite answers to those ineligible so they will not be so anxious and uncertain."

The cessation of new interviews provided the Approval Unit in Bangkok with the chance to catch up on interviewed files awaiting a first review. Additional staff were temporarily assigned from other units, and by March all interviewed files had received a first review. Those complete were sent to an INS officer (for refugee cases) or consul (for immigrant cases and Amerasians) for final approval, and incomplete cases remained in process until such time as the files became complete.

Despite the suspension of interviews, the backlog of interviewed cases was sufficient to continue U.S. departures for the foreseeable future. The U.S. program had averaged about 1,100 departures per month for the past two years, so 22,000 persons, assuming most were eventually approved, would allow departures to continue at the present rate for at least a year and a half. (For current statistics on the backlog, see Annex X.)

It was in this environment that the first evidence of a major U.S. policy shift appeared. On 10 January 1986, U.S. ODP Director Bruce A. Beardsley announced to ODP consular and INS officers and to the JVAR staff that the approvals of refugee family reunification cases would no longer be telexed to Vietnam for movement (see Annex VII). The implication was that only those persons of high priority described earlier and those on U.S. Short Priority Lists would be telexed for departure when approved. The new policy was not described as either a permanent change or an interim policy, and no reason was cited other than "the unusual circumstances now being encountered by the Orderly

Departure Program."

The constituency of approved cases affected by this change was substantial. The Approval Unit review effort resulted in thousands of approvals, most of them refugee family reunification cases that were in the fourth tier of the unit's priority review system. With a virtual embargo on refugee family reunification cases, movements from Vietnam continued at a significantly reduced level - the number of refugees departing in fiscal year 1986 decreased from an average of 704/month (from October to January) to an average of 483/month (from February through September). Thus, refugee movements via ODP dropped to levels not seen since early 1983, when refugee movements via ODP averaged 450/month. From January 1984 until this recent policy shift, ODP refugee movements averaged more than 700/month. Because the overall decrease in ODP departures has resulted from the sudden drop in refugee movements, there has been a corresponding rise in the percentage of immigrants departing (from 28.7% in 1985 to 42.1% through September 1986).

Two new lines in the ODP statistical report reflected those unfortunate persons who, although they had completed all processing on both the U.S. and SRV sides, were not permitted by the U.S. to depart Vietnam: "Persons Approved Not Yet Medically Cleared" and "Persons Approved But Will Not Yet Be Telexed To Vietnam." The first group was primarily persons ready to travel whose medical examinations, which have a one-year validity, had expired. (A new med-X is not done until ODP telexes Vietnam and requests such.) The second group comprised persons ready to travel who were not to be telexed to Vietnam in accordance with the new U.S. policy. With each passing week, more cases in the second group moved up to the first group as their med-Xs expired. In mid-July 1986, when this portion of the backlog was at its peak, 3,825 persons were approved and not yet medically cleared;*

1,912 were approved and not telexable to Vietnam under the new policy.

In early March, U.S. and Vietnamese ODP officials met in Bangkok under UNHCR aegis. Their technical talks produced no new agreements, and the U.S. interviewers were not permitted to resume work in Vietnam. The Vietnamese continued to insist that the backlog be resolved before interviews resume.

In late March, a second substantial policy change came to light. A Department of State directive abolished the issuance of LOIs for non-immigrant visa family reunification cases; at the same time, anchor relatives of already approved, non-telexed refugee cases were instructed to file immigrant visa petitions for their family members in Vietnam. Under this new policy, LOIs for family reunification cases will be issued only for those persons having a current or near-current approved immigrant visa petition. Citing "the limited refugee numbers available and the tremendous volume of potential family reunification candidates," this policy was communicated to the U.S. voluntary agencies by the JVA ODP office.

A third policy change became apparent in the late Spring. Interviewed families in Vietnam composed of current immigrant visa beneficiaries and those for whom an immigrant visa was not yet available were notified by ODP that the current beneficiaries could proceed to the U.S. immediately and the remaining family members could follow when their immigrant visa petitions became current. The standing policy, recognizing that the ODP is a family reunification program, allowed the entire approved family to travel to the U.S. at one time; those immediately ineligible for immigrant visas were admitted as refugees. The new policy mandates that family reunification be achieved only through the regular immigrant visa process (see Annex VIII).

* A format change in the ODP statistical report now includes those approved persons who require only new medicals with regular medical hold cases in a category called "Medical Hold."

The July monthly report issued by the ODP JVA described one other apparent change in policy: revised criteria for processing cases in Categories 2 and 3. Such a revision had been expected - JVA staff, in fact, had for several months been working on Category 2 and 3 files at a reduced rate in deference to the review of Category 2 and 3 criteria being conducted by U.S. ODP officials. The new criteria announced in July proved to be significantly different from the previous ones (see Annex IV). Under the original criteria, one year of employment by the U.S. government or a U.S. firm was necessary to qualify; according to communications received by voluntary agencies, six years of employment are necessary under the new criteria. Although the original criteria for "reeducation camp" political prisoners specified no length of stay, in practice one year of reeducation was necessary to qualify, and five years qualified an applicant for special consideration as a "3E priority" case. Apparently, five years of reeducation camp internment does not even qualify an applicant under the new criteria, which specify a minimum of six years reeducation for former political prisoners to be eligible for ODP.

Current Status of the Program

Eleven months after the Vietnamese curtailment of new exit interviews, the U.S. backlog of interviewed persons awaiting U.S. adjudication stands at 12,000. Five thousand of these are awaiting documentation to be finally complete, and 2,500 are ready and awaiting adjudication by a consular or immigration officer. Further technical discussions between U.S. and Vietnamese ODP officials held in late August and the annual Geneva meetings held under UNHCR aegis in early November, although constructive, have failed to remove the obstacle the continuing backlog presents. There is no immediate prospect for the resumption of U.S. interviews in Ho Chi Minh City.

In addition to the problem of the continuing backlog, the

policy changes described above have been implemented, in part, in a fashion that makes their scope and effect unclear. In an apparent recision of the restriction of refugee departures, all refugee cases previously categorized "approved will not be telexed" were indeed telexed into Vietnam in late July and August. U.S. ODP officials have stated that the policy of separating current and non-current visa beneficiaries will not apply to interviewed cases already in the backlog. Further, the new Category 2 and 3 criteria have been described by State Department officials as not new eligibility criteria, but rather new processing criteria for determining which Category 2 and 3 files are given priority review for LOI issuance by the ODP office. Given uncertainties such as these, the new policies have served to further complicate, rather than clarify, the complex situation of the U.S. program today.

Implications: Present U.S. Policy And The Future of ODP

A Humanitarian Family Reunification Program

The Memorandum of Understanding establishes the Orderly Departure Program as a humanitarian mechanism for achieving family reunification. In the years since its establishment it has been a great success. Yet if the U.S. policy changes described earlier remain in effect, the net result will be a near-total shutdown of the primary channel through which this goal has been attained: refugee processing in accordance with the U.S. ODP criteria. As noted earlier, two-thirds of all those who have achieved family reunification in the U.S. have been admitted as refugees (see statistics on page 20). Under the new policies, this route of entry will be almost completely abolished.

In negotiations with the Vietnamese authorities, the U.S. has expressed its desire to interview about 60,000 persons in Vietnam who are the beneficiaries of current immigrant visa petitions but who have not yet been presented by the SRV. The State Department has indicated that a complete list of these immediately visa-eligible persons was presented to Vietnamese authorities through the UNHCR in July. Because they are persons of high priority to the U.S., the special interest shown in them is appropriate. But given the State Department's testimony about the achievement of reciprocity, it seems inconsistent that the movement of immigrant cases be pursued at the expense of regular refugee family reunification cases.

As time passes, more and more Vietnamese residing in the U.S. will become eligible for naturalization, and more of their relatives in Vietnam will qualify for immigrant visas. But the delays built into the immigration system remain - the naturalization process itself may take several years, and a visa petition filed today by an American citizen for a sibling in Vietnam would not become current for visa issuance until some time in the late 1990s.

An information sheet issued by the Department of State in July, 1986 states clearly that for reunification cases an ODP file will be opened and an LOI issued only on the basis of an approved current or near-current immigrant visa petition (INS form I-130).^{*} The new U.S. policy considers the immigrant visa process to be the legitimate channel for family reunification via ODP. But it is unclear whether the standing immigration laws and procedures which extend worldwide are sufficient to meet the larger objectives of the Orderly Departure Program. Though they embody certain humanitarian concerns and achieve humanitarian goals, our immigration laws reflect the domestic and political self-interests of our nation. Given the wider scope of a humanitarian, non-political program like ODP and its mandate of providing an immediate alternative to escape by boat, it seems that criteria broader than those proffered by our normal immigration program, such as those that have been in place thus far, are required.

Refugees and the Emphasis on Immigration Processing

A senior State Department official, speaking recently about ODP, stated that normal immigration processing is the "appropriate channel for family reunification" through the program. He also stated that due to budget restraints and Congressional pressure, the long-range health of ODP would depend on making the shift to immigration processing. The State Department has indicated that refugee processing will remain available for selected family reunification cases of special interest through ODP, but on a more restrictive basis than was the case before interviews were suspended in January.

All persons who present themselves for refugee status--whether they are family reunification or "high priority" cases

^{*} Despite this stated procedure, it appears that files are still being created on the basis of Affidavits of Relationship, although such files will not be reviewed for LOI issuance until they are immigrant visa-eligible.

such as re-education camp prisoners--must have equal opportunity to substantiate their well-founded fear of persecution. This is particularly important for the Orderly Departure Program since persecution suffered by family reunification cases may not be as apparent within the confines of the determination process as that suffered by re-education camp prisoners.

The presence at all UNHCR interviews of SRV state personnel understandably inhibits applicants from articulating their fear of persecution at that time. There is no mechanism to protect the applicant from the loss of home, job, education and economic benefits that may result simply from the request to leave Vietnam; neither is there any mechanism to protect an applicant from recriminations that may result from statements made to the UNHCR interviewer regarding the applicant's status in Vietnam.

In acknowledgement of the inhibiting environment of the UNHCR interview, refugee determinations are not made on the basis of the interview, but on the basis of case file documentation and other information available to U.S. authorities in Bangkok. Consequently, it is difficult for family reunification cases to know what evidence of actual or feared persecution should be provided in order to receive adequate consideration.

Any changes in the way that refugee status is made available to ODP applicants in Vietnam must take into consideration the precarious conditions in which exit permit holders and interviewees must reside as "exiles-to-be," remaining flexible enough to ensure equal opportunity for all to substantiate their fear of persecution.

Orderly Departure - A Deterrent to Escape by Boat?

The fundamental intention behind an orderly departure program from Vietnam has been to provide a safe, legal alternative departure route that would deter escapes by boat. As shown earlier, the ODP has served its intended function, at least

to the extent suggested by statistics. In evaluating any shifts in ODP policy, it will be important to consider their effect on those persons considering orderly departure as an alternative to boat escape and, ultimately, on the actual number of persons departing Vietnam by boat.

To the extent that recent policy changes result in a "lengthening" (perceived or actual) of the process for leaving Vietnam, the shift to normal immigration processing for family reunion via ODP may in fact undermine the program's deterrent effect. Formerly, qualified applicants in Vietnam knew that once they cleared Vietnam-side processing (culminating in the UNHCR interview) they would be quickly accepted and depart for the U.S. - their departure would not be delayed on account of their status as refugees or non-current immigrants.* Under the new U.S. policy, however, there is no such assurance; having weathered the Vietnamese bureaucracy, they must now wait until they are eligible for an immigrant visa, and for such visa to become available--a process that in some cases cannot begin until the sponsoring relative is a naturalized citizen. For those reluctantly willing to wait the three or four years it takes to get an exit permit, the additional years of waiting required by the U.S. visa process could make the difference between the decision to await orderly departure and the decision to escape by boat.

More specifically, if ODP is to continue to serve as an effective alternative to boat departures, it must offer roughly the same chances for resettlement as the processing program in first asylum countries. There must be a basic parity between the criteria of ODP and the criteria in place in asylum countries. If the use of refugee status is terminated or too restrictive for persons seeking family reunification via ODP and such persons are subjected to the lengthy delays inherent in immigrant visa

* In fact, U.S. ODP criteria as communicated to the SRV never made any stated distinction between refugees and immigrants prior to this year.

processing, the attractiveness of boat escape for those who would prefer to use ODP may increase simply because of the perception that first asylum offers the possibility of family reunification without the interminable wait. By accepting for family reunification only those persons who are eligible for immigrant visas, a potential "pull factor" is created for all potential ODP applicants who know they will not be eligible for immigrant visas for many years to come.

It is too soon to tell if the recent strictures in the U.S. ODP program will be followed by an increase in the perilous exodus by boat. But it is clear that the governments of both the United States and Vietnam are concerned about the effects of ODP's recent difficulties on the level of boat escapes from Vietnam. Secretary of State George Shultz, speaking at the ASEAN (Association of Southeast Asian Nations) "Six-Plus-One" open session in Manila on June 27 this year, said, "The United States and ASEAN share a common interest in more effective solutions, including expansion of an orderly departure program for those leaving Vietnam. That government's suspension of the orderly departure program earlier this year has caused untold anguish and has led to an increase in unsafe departures by boat from Vietnam." Vietnamese Foreign Minister Nguyen Co Thach, in the May 4 Bangkok Nation article mentioned earlier, was cited as saying that the United States' failure to act on the backlog was encouraging people to make illegal and dangerous escapes by boat. The direct deterrent effect of ODP on boat departures has not been empirically established; but the concerns evidenced above testify clearly to the accepted reality of that relationship.

Fortunately, boat arrivals in countries of first asylum have shown no anomalous rise in the months since U.S. policy changes took effect. But if the numbers of departing persons continue to decrease, large numbers of interviewed families in Vietnam hear nothing about their cases, and the U.S. interviewing team fails to return to Vietnam, it is very possible, if not probable, that

boat departures will begin to reverse their pattern of steady decline, something that would be a serious problem for all the countries and individuals affected by ODP. The Orderly Departure Program's momentum, once lost, could be very difficult to regain.

Present Movements and the U.S. Pipeline

Beginning in March 1984, refugees departing for the U.S. via ODP were required to undergo six months of English-language training and cultural orientation at the Philippine Refugee Processing Center (PRPC) in Bataan, the Philippines. American citizens, immigrants, and parolees all travel directly to the U.S. A limited number of refugees are also allowed to travel directly to the U.S., an exception usually reserved for elderly, seriously ill, and unaccompanied minor persons. Given this six-month lag between the time an ODP refugee departs Vietnam and the time he or she enters the U.S., any change in refugee departures from Vietnam would not be reflected in U.S. arrival figures until a half-year later. Therefore, despite the significant decrease in refugee departures since the January, 1986 U.S. policy change, the program was able to meet the FY86 ODP ceiling of 8,500 persons. Conversely, U.S. ODP arrivals from the PRPC will reflect the decreased departures, though not until the early part of FY1987.

State Department officials have explained the policy of restricted refugee movements by referring to two factors: the need to keep the pipeline open for refugee cases of high priority to the U.S. (Amerasian children and reeducation prisoners), and the continuing ODP negotiations being held with Vietnam. Secretary Shultz in his annual budget request proposed an increase in the FY87 ODP refugee ceiling to 10,000; though only a continuation of the previous ceiling of 8,500 was authorized by the President, this ceiling allows refugee departures at the rate of 700 per month. Yet, refugee departures since the new policy took effect have been about two-thirds of that amount; although the

telexing of all approved refugee cases in late July and August has moderated this restriction somewhat, it has not been clearly stated how this policy will be implemented this new fiscal year. With regard to the second point, it seems unfortunate that the movement of families cleared for travel by both sides is a consideration in the difficult negotiations between U.S. and SRV ODP officials. Many, if not most, of these people have lost their homes, jobs, and educational opportunities as a result of their expressed desire to leave Vietnam. In light of this, it seems desirable for them to depart as soon as they have met the requirements of both countries.

Changing Policy and Its Effects on Families

For any change in policy, regardless of its substance and effect, the question of promulgation is an important one. The U.S. ODP criteria established in early 1980 have in six years of operation become well-known to America's Vietnamese constituency (more than half a million) and equally understood by those persons in Vietnam seeking to come to the U.S. People made decisions to apply for an exit permit based on their perceived eligibility for U.S. entry. For those who are approved but not yet moved, those whose interview files are in some state of final processing, and all who have applied for exit permits in Vietnam, the standing policies have had a dramatic (if sometimes indirect) impact on their daily lives. Though blanket statements cannot be made, most persons from the time they apply for an exit permit, although they retain Vietnamese citizenship, are considered by the official apparatus to be virtual expatriates in their own country. Having given notice that they do not intend to be around for Vietnam's future, the government considers it inappropriate for them to receive housing, employment, education, food rations and other government subsidies that Socialist society offers. Many are supported solely by gifts and goods sent to them by relatives abroad from the time they apply for

exit to the day of departure. Their decision to forego escape by boat and attempt to depart for the U.S. legally via ODP was based on their understanding of the policies in effect at that time. Different policies might have led them to make different decisions. The implementation of recent U.S. policy changes has been such that they are effected retroactively. Those persons who were encouraged by U.S. ODP policy to apply for exit permits are now being told that U.S. policy makes them ineligible for ODP.

In the course of the research for this paper, this issue of the apparently retroactive implementation of new policy was raised by the U.S. Catholic Conference with Bruce A. Beardsley, Director of the U.S. Orderly Departure Program at the American Embassy in Bangkok. Although the U.S. position on this issue has not been stated, a general and rather disturbing indication of the official U.S. stance is given in an October 8, 1986 letter from Director Beardsley to Msgr. Nicholas DiMarzio, Executive Director of Migration and Refugee Services for the U.S. Catholic Conference. In speaking of this question, Mr. Beardsley said, "That the SRV disadvantages people who obtain exit permits is well known. I have personally requested that the SRV not give exit permit-holders the treatment they receive...That said, I do not feel we should feel compelled to take someone simply because of the treatment they are receiving from their own government for applying to our program. To do so would be to maintain even less control over ODP than we now have."

By communicating the impression of eligibility to ODP applicants and then retracting that eligibility, U.S. policy contributes to the plight of those who have been disadvantaged by registering for the program. To prevent confusion and misunderstanding on the part of those who initiated an attempt to exit by ODP many years ago, it seems preferable that their processing be completed under the same procedures and criteria that encouraged it to commence. To retroactively impose a new policy

would confuse the existing orderly departure process and belie the years of hope and waiting that so many have invested in it.

Communications

Perhaps the most puzzling aspect of the new U.S. policies and their implementation has been the silence surrounding them. The January curtailment of telexing refugee approvals, though it affected thousands of people, was announced only in an internal memo circulated in the Bangkok ODP office. No notification or explanation was given to the affected families and their relatives in the U.S. The March action suspending the issuance of LOIs for family reunification cases other than immigrants, like the May decision splitting off current visa beneficiaries from approved family cases, was publicized only through the voluntary agencies that communicate with the Bangkok ODP office. In July an information sheet describing the revised ODP procedures was published for individuals corresponding with the Bangkok ODP office, but by that time the policy changes had been in effect for several months.

The wide dissemination of information about ODP that heretofore has existed has been a crucial factor in the program's accessibility and success. Likewise, the lack of publicity about recent changes in the ODP program has resulted in confusion and misunderstanding by the Vietnamese community in the U.S. and ODP applicants in Vietnam, and in a surge of inquiries to voluntary agency offices that had previously been able to provide accurate information about the program. To ensure that ODP will continue to be understandable and accessible to its wide constituency, it is crucial that continuing and changing program policy be publicized on as wide a basis and in as timely a fashion as possible.

Part III

RECOMMENDATIONS FOR THE
FUTURE OF ODP

Suggested Policy And Procedural Changes

In light of the information and considerations presented above, the following recommendations are made to ensure the continuation and growth of this humanitarian program for orderly departure from Vietnam.

Recommendations of the Indochinese Refugee Panel

The report of the Indochinese Refugee Panel appointed by Secretary of State George Shultz and headed by former Iowa Governor Robert Ray made two general recommendations regarding the Orderly Departure Program. The first called on the United States to work with the Vietnamese and the UNHCR to resolve the "backlog impasse" of unresolved, interviewed cases so that the program can be restored to full operation as soon as possible. We are making the following suggestions to facilitate the resolution of the U.S. backlog of 12,000 persons (see Annex X) in accordance with the Refugee Panel's recommendation.

Regarding the backlog of 8,000 persons interviewed but not yet adjudicated by the U.S. side:

1. That additional consular and immigration officers be assigned to adjudicate all case files awaiting only final approval. (Immigration officer staff time has been particularly scarce in recent months - the INS component of the backlog alone has stood above 2,000 persons since April 1986.)
2. That U.S. voluntary agencies be asked to assist in securing documentation from sponsoring relatives in the U.S. for all cases which lack only such documentation to be approvable - 40% of all persons awaiting adjudication. This has already taken place to a limited extent, but mainly as a "last resort" effort.
3. That all interview files which cannot be brought to

completion within a reasonable time be approved if the existing documentation indicates eligibility for the U.S..

Regarding those persons approved by the U.S. who require only new medical examinations or telexing of their approval and who have not yet departed Vietnam:

1. That the U.S. request the Vietnamese authorities in Ho Chi Minh City to perform medical examinations for the 3,000 approved persons whose initial med-X has expired.
2. That all approved persons be telexed to Vietnam for listing on a flight manifest and departure from Vietnam without delay on the U.S. side.

The second recommendation of the Panel urges increased use of immigrant visas for ODP. Consonant with this recommendation, which stops short of the near-total shift to immigration-only processing for family reunification implicit in recent U.S. policy changes, the following recommendations are made:

1. That the standing policy of moving all persons comprising an approved case at one time to prevent the separation of families and in accordance with the principle of family reunification be maintained through the admittance as refugees of those persons not yet eligible for immigrant visas. Visa-eligible persons whose visas are "not current" can be moved to the U.S. as refugees or on a humanitarian parole basis to await availability of their visas here.*
2. That the numbers authorized under the ODP refugee ceiling of 8,500 for FY87 be made available to any and all approved refugee cases who meet U.S. criteria, both family reunification (Category 1) and "persons of high priority"

* Comments received in the course of researching this paper indicated that at least one voluntary agency believes such "non-current" visa beneficiaries should be processed as refugees, as has been the policy heretofore.

(Category II and III).

3. That future ODP policy continue to include a component for family reunification via refugee processing, at the very least for family members not eligible for immigrant visas, given that this component has been the largest part of ODP's success.

Implementation of the Recent Changes in U.S. Policy

Recognizing that the substantial changes in U.S. policy which have taken place should be implemented equitably and not on a retroactive basis, these suggestions are made:

1. That all persons in Vietnam who have been presented for interview or who will be presented when full operations resume that hold exit permits issued prior to the U.S. policy changes in 1986 be processed, adjudicated, and authorized for travel to the U.S. in accordance with the U.S. eligibility criteria and procedures in effect at the time their exit permits were issued.
2. That the priority review system for issuance of Letters of Introduction implemented in November 1984 and abandoned in mid-course in March 1986 be resumed in accordance with the publicity and assurances given regarding the review of all U.S. ODP files.

ODP Policy and the Future of the Program

Once the current problems with ODP are resolved and full operation of the program is restored, it will be important to prevent a recurrence of the circumstances which have resulted in the current impasse. Therefore, the following is recommended:

1. To prevent recurrence of the persistent U.S. backlogs, the assistance of U.S. voluntary agencies should be actively solicited in helping U.S. sponsoring relatives to provide documentation necessary for file completion.

2. The U.S. should ensure that adequate consular and immigration officers are available to adjudicate completed, interviewed cases in a timely manner.
3. To prevent a recurrence of the present misunderstanding and confusion surrounding the U.S. program, any and all changes of substance in U.S. ODP policy and procedure should be aggressively communicated to the Vietnamese constituency here and in Vietnam through the U.S. voluntary agencies, the U.N. High Commissioner for Refugees, and direct correspondence with affected individuals in the U.S. and Vietnam. Whenever policy and procedural changes are being considered the voluntary agencies, with their expertise and association with the Vietnamese constituency, should be consulted.
4. The U.S. and Vietnamese ODP programs should cooperate to resolve one of the most significant problems faced by persons attempting to leave Vietnam via ODP: the loss of entitlements people suffer when they are granted exit permits. To this end, a mechanism should be developed whereby the issuance of an exit permit would in fact be the first step in the process of admission to the U.S.

AFTERWORD

The United States stands in a special relationship to the people of Vietnam. For two decades prior to the upheavals of April 1975, the daily realities of life in that country were directly linked to the policies and actions of the United States; that relationship continues to this day, albeit to a lesser extent. The crises that culminated in the desperate flight of a million of Vietnam's citizens were many years in the making. It is only reasonable, then, that the long-term resolution of the plight of Vietnamese refugees will take many years, ultimately independent of any nation's political timetable or agenda. The population of our world's refugees has soared beyond ten million, of which the Vietnamese are only a small part. But their history is one in which the United States has played a special part, and therefore it is to them that we have a special responsibility. The prominence of Southeast Asia in the U.S. refugee assistance programs of recent years is an acknowledgement of that responsibility, a commitment that should continue for as long as the refugees' plight persists.

As long as there remain in Vietnam people who were associated with and supportive of the American presence in their country, people for whom the revolutionary society offers little or no hope, there will remain a sizeable number of persons who seek freedom outside of Vietnam. The past and present exodus across the South China Sea and the mine-laden fields of Cambodia show clearly to what extent these people will go to secure their liberty. The Orderly Departure Program will continue to be a success only insofar as it continues to provide freedom-seekers such as the "boat people" and "land people" the reasonable prospects of a third option.

On September 11, 1986, U.S. Ambassador to Thailand William Brown traveled to Bangkok's Don Muang Airport to greet Nguyen Thi Ngoc, the 50,000th departure via the U.S. Orderly Departure

Program. For Ms. Ngoc, the great event of that day was not the Ambassador's speech nor the gift he presented to her; it was the chance to depart Vietnam to find family and a new life abroad. For her and fifty thousand fellow Vietnamese, ODP has been the means to family reunification, the route to personal and public freedom, a very real alternative to the dangerous escape by boat. The U.S. ODP has helped bring order to an uncontrolled exodus of tremendous human proportions, and in doing so has come to serve as a possible prototype for addressing the refugee crises of tomorrow. Cooperation and commitment, set on the U.N.-mediated agreements of 1979 and 1980, have made possible the very significant achievements of ODP. Until such time as new agreements formalized between the United States and Vietnam supercede the ones in force thus far, the U.S. should remain committed to the program in place, a program that has balanced the needs and desires of two politically disparate nations to the benefit of thousands of Vietnamese-Americans.

LIST OF ANNEXES

- I. Statement of the Ministry of Foreign Affairs, Socialist Republic of Vietnam, 12 January 1979. (UNHCR)
- II. United Nations Press Release of 11 June 1979 containing text of 30 May 1979 Memorandum of Understanding between United Nations High Commissioner for Refugees and the Government of the Socialist Republic of Vietnam. (UNHCR)
- III. Presidential Determination No. 80-17 of 1 May 1980. (Federal Register, Vol. 45, No. 89, Tuesday May 6, 1980, pp. 29785-6)
- IV. Refugee Categories Eligible for the Orderly Departure Program. (ODP Procedures Manual, Department of State, 1985, pp. 1,8,10)
- V. Review Priorities (for Letter of Introduction issuance). (Orderly Departure Program Procedural Guidelines, U.S. Orderly Departure Program, 1985, pp. 3-4)
- VI. Communication of SRV Ministry of Foreign Affairs to Office of the UN High Commissioner for Refugees in Vietnam, 17 April 1985. (UNHCR)
- VII. Memorandum "Priorities in processing cases," from Bruce A. Beardsley, Director, Orderly Departure Program, January 10, 1986. (JVAR/ODP)
- VIII. Current Orderly Departure Program Processing. (Department of State, July 1986)
- IX. Orderly Departure Program (ODP)--How Does ODP Work? (Department of State, July 1986)
- X. Orderly Departure Program Statistics as of 31 October --1986 Persons Interviewed But Not Yet Departed; Definitions of Statistical Terms (Department of State, November 1986)

Text of the message received by UNHCR on 12 January 1979 from the Ministry of Foreign Affairs, Government of the Socialist Republic of Viet Nam.

"In accordance with its humanitarian policy and the laws in force, the Government of the Socialist Republic of Viet Nam is prepared, as of today, to grant exist visas to all Vietnamese who, by written request, express the desire to leave, with the exception of the following:

Primo those who have military obligations

Secundo those who are in possession of state secrets or who occupy important posts in the field of production, and who are irreplaceable for the moment

Tertio those who, at present, are on trial.

With this in mind the Socialist Republic of Viet Nam has decided:

- (a) to accelerate, as much as possible, the solution of Vietnamese family reunion cases; in this respect, the Socialist Republic of Viet Nam invites UNHCR to co-operate closely with the local authorities to organize special flights in the future;
- (b) in order to find a solution to the question of "boat people" which has created problems to neighbouring countries in South East Asia, the Vietnamese Government also invites UNHCR to assist it in this field by providing transportation and a country willing to receive those persons wishing to leave Viet Nam;
- (c) in order to resolve satisfactorily this humanitarian problem the Socialist Republic of Viet Nam is prepared to provide the necessary conditions and to co-operate with UNHCR."

United Nations

Press Release

ANNEX II
Department of Public Information
Press Section
United Nations, New York



REF/800
11 June 1979

MEMORANDUM OF UNDERSTANDING REACHED BETWEEN UNHCR AND SOCIALIST REPUBLIC OF VIET NAM

(Reproduced as received from UNHCR, Geneva.)

The United Nations High Commissioner for Refugees (UNHCR) Poul Hartling, today released the text of a Memorandum of Understanding between his office and the Government of the Socialist Republic of Viet Nam concerning the orderly departure of persons who wish to leave Viet Nam for countries of new residence.

The Memorandum of Understanding was agreed on following discussion held in Hanoi from 25 May to 30 May 1979, between representatives of the Vietnamese Government and a UNHCR delegation led by Dole de Haan, the Deputy High Commissioner for Refugees.

Memorandum of understanding between the Government of the Socialist Republic of Viet Nam and the Office of the United Nations High Commissioner for Refugees (UNHCR) concerning the departure of persons from the Socialist Republic of Viet Nam:

Following discussion held in Hanoi between representatives of the Government of the Socialist Republic of Viet Nam and a delegation of the Office of the United Nations High Commissioner for Refugees (UNHCR) from 26 February to 5 March and from 25 May to 30 May 1979, it is agreed that UNHCR will facilitate the implementation of the 12 January announcement by the Vietnamese Government to permit the orderly departure of persons who wish to leave Viet Nam for countries of new residence. Regarding the programme to implement such orderly departure, it is understood that:

1. Authorized exit of those people who wish to leave Viet Nam and settle in foreign countries -- family reunion and other humanitarian cases -- will be carried out as soon as possible and to the maximum extent. The number of such people will depend both on the volume of applications for exit from Viet Nam and on receiving countries' ability to issue entry visas.

(more)

II - 1

For information media - not an official record

2. The selection of those people authorized to go abroad under this programme will, whenever possible, be made on the basis of the lists prepared by the Vietnamese Government and the lists prepared by the receiving countries. Those persons whose names appear on both lists will qualify for exit. As for those persons whose names appear on only one list, their cases will be subject to discussions between UNHCR and the Vietnamese Government or the Governments of the receiving countries, as appropriate.

3. UNHCR will make every effort to enlist support for this programme amongst potential receiving countries.

4. The Vietnamese Government and UNHCR will each appoint personnel who will closely co-operate in the implementation of this programme.

5. This personnel will be authorized to operate in Hanoi and Ho Chi Minh City and, as necessary, to go to other places to promote exit operations.

6. Exit operations will be effected at regular intervals by appropriate means of transport.

7. The Vietnamese Government will, subject to relevant Vietnamese laws, provide UNHCR and the receiving countries with every facility to implement this programme.

* * * * *

Presidential Documents

Presidential Determination No. 80-17 of May 1, 1980

Determination pursuant to Section 207(a) of the Immigration and Nationality Act, as amended (INA) concerning the admission and adjustment of status of refugees

Memorandum for the Secretary of State

Pursuant to Section 207(a) of the INA, and in accordance with Section 204(d)(1) of Public Law 96-212 (94 Stat. 109), I hereby determine, after appropriate Congressional consultation, that the admission of 231,700 refugees to the United States during Fiscal Year 1980 is justified by humanitarian concerns or is otherwise in the national interest. The admission of 231,700 refugees includes approximately 114,284 refugees already admitted during the first half of the fiscal year, and approximately 117,416 during the second half of the year. I also determine that providing an additional 2,500 refugee admission numbers to be available for adjustment of status, in accordance with Section 209(b) of the INA, of up to 2,500 persons previously granted asylum in the United States, is justified by humanitarian concerns or is otherwise in the national interest.

Pursuant to Section 207(a)(3) of the INA, I determine, after appropriate Congressional consultation, that these refugee admission numbers shall be allocated as follows:

REFUGEE ADMISSIONS FY 1980

Area of origin	Approximate number admitted first half of fiscal year	Approximate number to be admitted remainder of fiscal year	Total number of admissions for FY 1980
Asia			188,200
Indochinese	84,000	84,000	168,000
Other	300	800	1,300
Soviet Union	18,000	15,000	33,000
Eastern Europe	2,000	3,000	5,000
Middle East	800	2,000	2,800
Latin America			20,500
Cubans	9,000	10,500	19,500
Other	84	936	1,000
Africa			1,500
Sub-total	114,284	117,416	231,700
Asylum Status Adjustments			2,500
Total			234,200

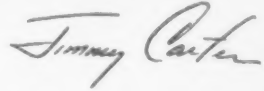
Pursuant to Section 101(a)(42)(B) of the INA, I hereby specify, after appropriate Congressional consultation, that special circumstances exist such that, for the purposes of admission under the limits established in this Determination, the following persons, if they otherwise qualify for admission, may be considered refugees of special humanitarian concern to the United States even though they are still within their countries of nationality or habitual residence:

persons in Vietnam with past or present ties to the United States, present and former political prisoners and their family members in Argentina, present and former political prisoners and their family members and persons in Cuba with relatives in the United States.

The Secretary of State is requested to inform the appropriate committees of the Congress of these determinations.

This memorandum shall be published in the Federal Register.

THE WHITE HOUSE,
Washington, May 1, 1980.



[PR Doc. 80-14134
Filed 5-5-80; 10:24 am]
Billing code 3180-01-34

ANNEX IV

REFUGEE CATEGORIES ELIGIBLE
FOR THE
ORDERLY DEPARTURE PROGRAMCURRENT
CATEGORIES

- 1-A1 Spouse and unmarried sons and daughters of U.S. permanent residents who do not have current priority dates to receive immigrant visas and who are not accompanied by other dependent relatives.
- 1-A2 Unmarried sons and daughters over 21 accompanying an IV recipient in Vietnam.
- 1-A3 Spouses and unmarried sons and daughters of deceased U.S. citizens.
- 1-A4 Guardians who have been living with U.S. citizen children in Vietnam to enable them to escort the children to the U.S.
- 1-B Spouses and unmarried sons and daughters of parolees in the U.S. who are not accompanied in Vietnam by any other dependent relatives.
- 1-C Other accompanying relatives of IV recipients in Vietnam who the USG interviewing officer judges are dependent on those IV recipients.
- 1-D Spouses and unmarried sons and daughters of U.S. permanent residents who do not have current priority dates to receive immigrant visas together with their accompanying relatives who the USG interviewing officer judges are dependent on them.
- 1-E Spouses and unmarried sons and daughters of parolees in the U.S. together with their accompanying relatives who the USG interviewing officer judges are dependent on them.
- 1-F Spouses and unmarried sons and daughters of immigrant visa beneficiaries with current priority dates, such as married sons and daughters or siblings of U.S. citizens or persons entitled to special immigrant status, in cases where the principal beneficiary is unable to leave Vietnam for political reasons.

- 1-G Other IV beneficiaries with non current priority dates such as siblings of U.S. citizens, together with their spouses and unmarried sons and daughters, who are not accompanied by other dependent relatives.
- 1-H Other IV beneficiaries with non current priority dates such as siblings of U.S. citizens, together with their spouses and unmarried sons and daughters, along with other accompanying relatives who the USG interviewing officer judges are dependent on them.
- 1-I Parents, grandparents, and unmarried grand-children of persons in the U.S. and siblings of persons in the U.S. along with their spouses and unmarried sons and daughters for whom IV status is not available and who are not accompanied by other dependent relatives.
- 1-J Parents, grandparents and unmarried grand-children of persons in the U.S., and Sons, Daughters and Siblings of persons in the U.S., along with their Spouses and unmarried Sons and Daughters, for whom IV status is not available, together with their accompanying relatives who the U.S. interviewing officer judges are dependent on them.
- 2-A Former USG employees for at least one year subsequent to January 1, 1962, who do not qualify for special immigrant visas, along with their spouses, unmarried sons, and daughters, and other accompanying relatives who the interviewing USG officer judges are dependent on them.
- 3-A Former employees, for at least one year subsequent to January 1, 1962, of U.S. foundations, voluntary agencies, or business firms.
- 3-B Persons previously in the civil service or armed forced of the former GVN who were closely associated with U.S. policies or USG supported programs. Cultural figures, etc.
- 3-C Persons educated or trained in the U.S. or abroad under U.S. auspices.
- 3-D Persons who received individual U.S. combat awards or decorations.

3-E

Other persons formerly closely associated with the U.S. who are in reeducation camps or who have been released from them but not been allowed to reintegrate into Vietnamese civil society including their spouses and unmarried sons and daughters and other dependent relatives of persons in this group who the USG interviewing officer judges are dependent on them.

3-F

Persons born between 1961 and 1976 who can be documented as having an American citizen Parent, and who have not been allowed to integrate fully into Vietnamese civil society, or have been systematically denied benefits available to other citizens because of that parentage, together with parents and unmarried siblings or half-siblings, grandparents or other guardians who have been living with them and are needed to escort them to the U.S.

ANNEX V

REVIEW PRIORITIES

The ODP Office can review files only according to the following priorities. We expect to complete the review of each of the categories on the date given to the right of the category. The priority categories for ODP file review are:

<u>Category</u>	<u>Estimated Start/Completion Date</u>
Parents of U.S. Citizens with Immigrant Visa Petitions (I-130's) filed before September, 1984	Start: March, 1985 Comp: June, 1985
Sons and daughters of U.S. Citizens with Immigrant Visa Petitions (I-130's) filed before September, 1984	Start: July, 1985 Comp: July, 1985
Spouses and Children of U.S. Citizens or Permanent Residents with I-130's filed before July, 1985	Start: August, 1985 Comp: September, 1985
Siblings of U.S. Citizens with I-130's filed before June, 1981	Start: October, 1985 Comp: January, 1986
Spouses, children, parents and sons and daughters who are the beneficiaries of petitions (I-130's) filed between September 1984 and January 1986	Start: February, 1986 Comp: April, 1986
Siblings of U.S. Citizens with I-130's filed between June, 1981 and January 1986	Start: May, 1986 Comp: September, 1986
Relatives who are listed on Affidavits of Relationship (AOR's) and who do not have Immigrant Visa Petitions (I-130's)	Start: After September, 1986

We cannot make any exceptions to the above policy. We are not authorized to consider any requests for humanitarian exceptions, but are enjoined to follow strictly the above priority categories. If we can accomplish the necessary review before the estimated date, we will do so, and will move to the next category. However; you should not expect to hear from the ODP Office prior to the estimated period of reviewing the category of your relatives. Remember, any promises you may receive from arrangers of services that they can speed up the processing of your family's file are false. We strictly adhere to the above schedule. All correspondence received will be added to your family's file and appropriate action will be taken only at the time of designated file review.

MINISTRY FOR FOREIGN AFFAIRS

No 961/LS-DT

The Department of Consular Affairs of the SRV Ministry for Foreign Affairs presents its compliments to the Office of the UN High Commissioner for Refugees in Vietnam and has the honour to inform the latter of the Vietnamese Working Group's views regarding the US proposals:

-At present there are about 17,000 pending persons (more than 13,000 in the frame of ODP and more than 3,000 Amerasians) already interviewed by the US side but to whom entry visas have not been granted yet. The US side is requested to accept the above persons and state clearly the cases to which entry visas will be granted or not.

-For ODP, the US side has to accept each month from 1,200 to 1,300 persons already interviewed.

-As far as Amerasians are concerned, the US has to discuss with Vietnam to settle them, the question being of relations between the two countries. The US must accept immediately 3,000 Amerasians and their relatives already interviewed. Definite answers must be given to those who cannot be accepted. The US side is requested to simplify the interview formalities in order to achieve at least 500 departures of Amerasians each month.

The Department of Consular Affairs of the Ministry for Foreign Affairs avails itself of this opportunity to renew to the Office of UNHRC the assurances of its high consideration.

Hanoi 17 April 1985

UNCLASSIFIEDANNEX VII
UNITED STATES GOVERNMENT

memorandum

DATE: January 18, 1986

TO: Mr. A. A. Belderson, Director

FROM: [Signature]

SUBJECT: Priorities in processing cases

1. ODP Consular Officers
 A. ODP INS Officers
 JVAR

Due to the unusual circumstances now being encountered by the Orderly Departure Program, until further notice the following priorities should be observed in processing and adjudicating cases. At present, only approvals in the following categories will be telexed to Ho Chi Minh City, and it is consequently of little value to process regular program refugee cases if cases of a higher priority are yet to be worked on. If a section or unit has processed or adjudicated all the cases it has that fall within the following categories, it may resume processing less pressing cases until additional priority cases are available.

Types of cases to be processed or adjudicated:

American Citizens
 Americans
 Former Reeducation Camp prisoners
 People who were listed on SPLs
 Former U.S. Government employees
 Beneficiaries of current immigrant visa petitions

ANNEX VIII

CURRENT ORDERLY DEPARTURE PROGRAM PROCESSING

The Orderly Departure Program (ODP), operating under the auspices of the U.S. High Commissioner for Refugees, has brought nearly 50,000 people to the United States from Vietnam. The program's success has attracted a very large number of applications. Only a limited number of refugees may enter the U.S. under the program each year. A much larger number of immigrants can be accepted annually.

The U.S. ODP Office will, therefore, issue Letters of Introduction (LOI's) to applicants seeking family reunification only if they have received "Visas 93" approval or qualify for immigrant visa issuance on the basis of petitions with current or near-current priority dates. "Near-current" would be those with dates likely to be current in roughly one year. Immigrant visa petitions (INS Form I-130) or, in the case of a spouse or child of a refugee in the United States, "Visas 93" petitions (INS Form I-730) may be obtained from and filed with the local office of the Immigration and Naturalization Service (INS).

Sponsoring relatives in the United States may continue to send affidavits of relationship and other documents to the U.S. ODP Office in Bangkok to serve as the foundation for a future immigrant visa file. However, LOI's will not be issued until an immigrant visa petition has in fact been filed and the date of the petition is close to current.

Scarce refugee numbers will be reserved for those cases of special humanitarian concern who cannot qualify for immigrant status. These will be primarily Amerasian children and their accompanying family members and persons of special humanitarian concern to the U.S. (long-term re-education camp prisoners or those with previous close association, through employment or otherwise, with the U.S. prior to 1975).

The Vietnamese authorities have not permitted interviews for the U.S. ODP since January 1, 1986. We are working to resolve this problem, but we cannot predict when the Vietnamese will allow interviews to resume. We anticipate that once interviews do resume, the only people interviewed will be:

- a. Beneficiaries of current immigrant visa petitions
- b. Beneficiaries of approved "Visa 93" petitions
- c. Amerasians and their immediate families
- d. Persons of special humanitarian concern to the U.S., as described above.

Currently, most family reunification cases which have already been interviewed and appear complete, but which lack immigrant status, are moving at a very slow rate. The U.S. ODP Office cannot predict when or if this rate will change. If sponsors are eligible to file immigrant visa petitions (Form I-130) and the requisite affidavit of support (Form I-134) for their relatives, the U.S. ODP Office strongly urges them to do so.

ADDRESSES FOR U.S. ORDERLY DEPARTURE PROGRAM OFFICE

*via APO using domestic postage:

American Embassy
Box 58
APO San Francisco 96346-0001

*via international mail using international postage:

127 Panjabum Building
South Sathorn Road
Bangkok, Thailand

ORDERLY DEPARTURE PROGRAM (ODP)

HOW DOES ODP WORK?

Interest Expressed: A person in the U.S. or in the SRV contacts the ODP office at the American Embassy in Bangkok, or a voluntary agency in the U.S., expressing interest in the ODP. The ODP office requests an immigrant visa petition from the relative in the U.S. or information concerning the applicant's association with the U.S.

Documentation: Upon receipt of an approved immigrant visa petition (I-130) or of evidence of close past ties with the U.S., the ODP office in Bangkok opens a file and requests the documents required to complete the application. When the ODP is satisfied with the documentation submitted, it then adds the name of the applicant to the list of names of those preliminarily approved for entry to the U.S. which is periodically forwarded to the Vietnamese authorities through the UNHCR representatives. The ODP office simultaneously issues a Letter of Introduction for use by the individual in Vietnam to obtain an exit permit, although this has often not been required by the Vietnamese authorities.

Exit Permit: After the Vietnamese authorities issue an exit permit (which may take months or years from the time of the initial request), they may then arrange for the applicant to be interviewed by UNHCR interviewers in Ho Chi Minh City (which may easily be another 18 months, or longer, after issuance of the exit permit).

Medical Exam: During the week following the UNHCR interview, the applicant undergoes a medical examination at Cho Ray Medical Center.

ODP Office Review: The UNHCR interview file, along with the results of the medical exam, is then forwarded to ODP Bangkok for final review and approval. (Final approval may take several months, depending on the existing backlog and/or whether or not more documentation is required.)

UNHCR Role: Upon final approval, the name of the applicant is telexed to the UNHCR for submission to the Vietnamese authorities for manifesting on the earliest possible flight out of Vietnam.

USG Exit Interview: Immediately prior to departure, an exit interview is conducted by a consular officer of the USG at the Tan Son Nhat Airport in Ho Chi Minh City.

Transportation: Travel, food, and lodging are provided by the Intergovernmental Commission on Migration (ICM) under the terms of an agreement with the Bureau. (However, all ODP applicants are required to repay the transportation cost to voluntary agencies who work with ICM on loan collections.)

Training/U.S. Arrival: The individual transits Bangkok for a brief period (not to exceed 12 days) and continues traveling either to the U.S. or, if qualified, first to Bataan for ESL/CO (English as a second language/cultural orientation) at the Philippine Refugee Processing Center, then onward to the United States.

ORDERLY DEPARTURE STATISTICS as of October 1986

Source: Department of State

PERSONS INTERVIEWED BUT NOT YET DEPARTED

Persons Not Ready for Travel

Family Hold	868
Vietnam Document Hold	1,032
U.S. Document Hold	2,807
Eligible-to-follow Hold	109
Medical Hold*	4,451
Other Hold	435
Not Yet Reviewed by Consul	431
Not Yet Reviewed By INS	<u>2,039</u>
TOTAL PERSONS NOT READY FOR TRAVEL	12,172

Persons Ready for Travel

Approved Awaiting to be Telexed**	150
Telexed Not Manifested**	975
Manifested Not Moved**	<u>370</u>
TOTAL PERSONS INTERVIEWED NOT DEPARTED	13,667

* Department of State indicates that about 80% of this group have expired med-Xs and require only new medical examinations. The remainder have specific health problems that are delaying their departure.

** Because telexing of an approved case completes U.S. action, these last two groups should not be considered part of the U.S. backlog per se. Thus the actual number of interviewed persons requiring U.S. adjudication or action as of 31 October 1986 is 12,422.

Definitions of Statistical Terms

Family Hold: immediate family member in Vietnam awaiting exit permit for case to be ready for adjudication.

Vietnam Document Hold: awaiting further documentation from applicant in Vietnam to be ready for adjudication.

U.S. Document Hold: awaiting further documentation from anchor relative in U.S. to be ready for adjudication.

Eligible-to-follow Hold: applicants in Vietnam designated "follow-to-join" awaiting arrival and/or sponsorship documents from preceding relative in U.S. to be ready for adjudication.

Medical Hold: awaiting either re-examination of an equal med-X (most) or resolution of a present medical condition (about 20%). Cases of the former type are actually already approved and will be telexed as soon as new med-X is done.

Other Hold: various other factors delaying case adjudication.

Not Yet Reviewed by Consul: ready for adjudication, awaiting immigration officer review (immigrant and American citizen cases).

Approved Awaiting To Be Telexed : approved, approval not yet telexed to UNHCR/Vietnam.

Telexed Not Manifested: approval telexed to UNHCR/Vietnam, case not yet listed on flight manifest by SRV.

Manifested Not Moved: listed on a flight manifest, case not yet actually departed.

GLOSSARY OF ABBREVIATIONS AND TERMS

Aide Memoire	An October 1980 technical agreement between the Socialist Republic of Vietnam and the United Nations High Commissioner for Refugees which specified the operation of the U.S. program for orderly departure from Vietnam.
AMC or AmCit	American Citizen--refers usually to known or documented American citizens residing in Vietnam.
Amerasian	A child of mixed American and Asian parentage. In this report, the term refers to children fathered by American civilian or military personnel in Vietnam.
Approval Unit	The work unit of the U.S. Orderly Departure Program office in Bangkok responsible for preparing the files of interviewed cases for final adjudication by a U.S. consular or immigration officer. (In April 1986, the Approval Unit was combined with the List Review Unit to form the Interview Review Unit.)
Exit Permit	A travel document issued by Vietnamese authorities which permits the holder one-way legal exit from Vietnam.
ICMC	International Catholic Migration Commission--international voluntary agency, contracted by the Department of State for operation of the Orderly Departure Program office attached to the American Embassy in Bangkok.
INS	Immigration and Naturalization Service (part of the U.S. Department of Justice).
JVA	Joint Voluntary Agency--the single voluntary agency designated to represent all U.S. voluntary agencies in the operations of U.S. refugee processing in a particular location, usually in conjunction with the American Embassy in a country of first asylum.
JVAR	Joint Voluntary Agency Representative--designation of the Director of a JVA program.
JWL	Joint Working List--the list of persons whose names appear on both the Vietnamese Visa Sortie Working List (VSWL) and the U.S. Visa Entry Working List (VEWL).

List Review Unit	A work unit of the U.S. Orderly Departure Program office in Bangkok responsible initially for helping U.S. ODP officers prepare interviewed cases for adjudication, and later for review of cases which appeared on an SRV interview list. (In April 1986, the List Review Unit was combined with the Approval Unit to form the Interview Review Unit.)
LOI	Letter of Introduction--a document issued for applicants in Vietnam by the U.S. Orderly Departure Program office bearing a consular seal and signature which states that the named individuals are authorized to come to the American Embassy in Bangkok for visa processing for entry to the U.S. It is generally used by persons in Vietnam when applying for an exit permit to prove to Vietnamese authorities eligibility for the U.S. ODP program.
Med-X	A term for the pre-departure medical examination given to potential ODP emigrants in Vietnam following their interview by the U.S. UNHCR representative.
Memorandum of Understanding (MOU)	The May 1979, agreement between the Socialist Republic of Vietnam and the United Nations High Commissioner for Refugees which describes in general terms a program for the orderly departure from Vietnam of persons wishing to settle abroad.
N/C	Non-Current--refers to approved immigrant visa beneficiaries in certain U.S. immigration preference categories for whom visas are not currently available due to the number of approved beneficiaries in that visa category exceeding the number of visas available.
ODP	Orderly Departure Program--refers generally to the broad UN-sponsored program for legal departure from Vietnam which involves more than 40 receiving countries, and specifically to the program for orderly departure to the U.S.
PAM	Possible American--designation used for cases which appear to include an Amerasian child. The work unit responsible for processing Amerasian cases is known as the PAM unit.
People's Committee	The local arm of the Vietnamese government to which residents of Vietnam must first apply for permission to depart.

PRPC	Philippine Refugee Processing Center--a U.S.-operated facility in Bataan, the Philippines, where U.S.-bound refugees receive English language training and cultural orientation en route to the U.S.
SPL	Short Priority List--a brief list of ODP applicants in Vietnam generated for certain types of cases of priority concern to the U.S. and submitted to the Vietnamese authorities on a periodic basis.
SRV	Socialist Republic of Vietnam--in this report, this refers more specifically to the Vietnamese authorities responsible for operation of the ODP.
UNHCR	United Nations High Commissioner for Refugees--the United Nations agency which coordinates international refugee relief in general, and, specifically, orderly departures from Vietnam.
VEWL	Visa Entry Working List--a U.S. list of persons in Vietnam known to be eligible for U.S. entry prepared for passing to the SRV via UNHCR.
Volag	Voluntary agency--refers in this report to those U.S. voluntary agencies involved in refugee processing and resettlement.
VPU	Vietnamese Processing Unit--the unit of the American Embassy in Bangkok which first processed the cases of visa applicants in Vietnam; forerunner of the U.S. Orderly Departure Program office.
VSWL	Visa Sortie Working List--A Vietnamese list of persons in Vietnam known to be eligible for legal exit prepared for passing to the U.S. via UNHCR.

INTERVIEW SCHEDULE

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- Thu K. Vu, Supervisor of ODP Operations 1979-1984, Migration and
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APPENDIX V

ISSUE PAPER

UPROOTED ANGOLANS
FROM CRISIS TO CATASTROPHE



This paper was written by T. O. Brennan, USCR program associate. It was edited by Virginia Hamilton, and produced and designed by Koula Papanicolas of the USCR staff. The cover photograph is courtesy of the International Committee of the Red Cross.

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UPROOTED ANGOLANS
FROM CRISIS TO CATASTROPHE

A humanitarian catastrophe is imminent in Angola, a country already in crisis and an unwitting arena for East-West confrontation in Africa.

Continuing civil strife, along with South African, Cuban, and superpower involvement in that country, has resulted in the massive uprooting of its rural population. Millions of Angolans have sought safety from the conflict in the nation's towns and cities, and nearly 400,000 have fled to neighboring countries. The displacement of these people--combined with failed agricultural policies, an unwieldy bureaucracy, and poor weather conditions--has resulted in a 1987 harvest that will meet less than half of Angola's grain requirements through April 1988. The government has had to commit its meager foreign exchange earnings toward waging its war against insurgency and destabilization, and there is virtually no prospect that Angola will arrange commercial imports sufficient to meet the needs of its people. An immediate appeal by the Angolan government and a prompt and favorable response from the international donor community are needed to confront the famine conditions which significant parts of Angola will face by the end of 1987.

The growing emergency in Angola should not surprise anyone who has monitored the deteriorating

situation in that nation. Indeed, evidence of an impending grain shortage has been available for some time. That famine and starvation actually will occur in Angola, however, appears now to be almost inevitable.

The making of the crisis in Angola did not begin in recent months. It stems most immediately from the failure of three competing liberation movements to maintain a coalition government, following withdrawal of the colonial power in 1975. The coalition derived from an agreement, signed by the three movements, that called for elections, but governmental authority disintegrated before they could be held. The struggle for power in Angola has been waged by force of arms ever since.

The disastrous effects of prolonged conflict on Angola's civilian population have gone largely unreported in the Western media. Press coverage has often been restricted, and the ideological aspects of the conflict have prevailed over humanitarian considerations in the public statements of U.S. and European policymakers. But the story of Angola is one of human tragedy and human endurance: shanty towns of rural peasants forced into congested urban areas; maimed children still gamely playing football; hunger, homelessness, and the trauma of senseless violence.

This paper--based in part on U.S. Committee for Refugees field visits to areas in Angola controlled by both sides of the conflict, as well as to Angolan refugees in Zaire and Zambia--examines the conflict that continues even now to uproot great numbers of civilians inside Angola, and to push significant numbers of refugees across that country's borders. It also summarizes the effects of these population displacements on the social and economic well-being of

Angola, and offers recommendations to minimize the ever-increasing suffering that Angolans are forced to endure. The principal finding of this report is that the man-made humanitarian emergency which exists for Angolans threatens to deteriorate dramatically over the next few months. But, its worst effects may be avoided if the Angolan authorities act quickly to request food assistance and if the international community responds in a timely and generous fashion.

The conflict in Angola takes place in a highly charged, geopolitical context that makes adequate attention to the humanitarian crisis facing uprooted civilians extremely difficult. That context is defined not only by superpower rivalry, but also by the regional politics of southern Africa and, most especially, by the profound influence of the Republic of South Africa within that region. This paper attempts to place the current trauma of Angola into an historical context, and includes an explanation of some of the deep-rooted cleavages in Angola that make resolution of its conflict so difficult. It should be clear, however, that South Africa has obviously exploited that conflict to further its policy of regional destabilization, by which it seeks to postpone dismantling its repugnant system of apartheid.

The U.S. Committee for Refugees believes that the needs of Angola's uprooted populations require urgent attention and should not be overlooked in the midst of the larger regional crisis. That is the central purpose of this paper. But our concern for the innocent victims of conflict in Angola must be taken in a context of support for the struggle against the forces of apartheid, which remains the paramount issue in the region.

and decreased access to health care, Angola now has one of the highest infant mortality rates in the world. UNICEF has estimated that 55,000 children under the age of five died from violence-related causes in 1986 alone. Urban areas are swollen with displaced peasants, and an outbreak of cholera is occurring in Angola's capital, Luanda, and in other urban centers. A massive arms build-up in spring 1987, moreover, suggests that the level of violence will escalate during the remainder of the year.

The civil war which followed Angolan independence from Portugal in 1975 has been marked by modern ideological overtones and foreign intervention. But the roots of conflict in Angola can be traced back much further, to the distrust and animosity that developed among the nation's main ethnolinguistic groups during centuries of slave-trading and Portuguese colonization. A basic sense of how these relationships developed is essential to understanding the conflict that rages in Angola today.

HISTORICAL SETTING

Until the great southward migration of Bantu peoples reached what is present-day Angola around the start of the thirteenth century, that territory was inhabited solely by Khoisan hunters and gatherers--known to Westerners as Bushmen, but calling themselves zhu twa si, "the harmless people". The Bantu who reached Angola were more technologically advanced than their ancestors who had begun this great southward trek several centuries earlier from their original homeland around the present Nigeria-Cameroon border. The Bantu migrants had learned to work iron and herd cattle, and they had established a variety of regional cultures in central Africa before ultimately

overwhelming the Khoisan and forcing them into marginal areas in Angola and into the Kalahari Desert.

Toward the end of the fifteenth century, the Portuguese explorer, Diego Cao, landed at the mouth of the Congo River--which now marks Angola's northern border--and came into contact with the southernmost salient of the Kongo Empire, the most developed and centralized kingdom established by the Bantu migrants. Immediately south of the Kongo, a great number of smaller kingdoms had taken form among the Mbundu and Ovimbundu peoples while, even farther south, other Bantu groups were still vying for control of lands from which the Khoisan had been ousted. Conflict was widespread in those areas, and there were great movements of competing ethnic groups in a southwesterly direction toward the Atlantic coast.

Portuguese government contact with the Kongo kingdom was initially peaceful: emissaries were exchanged between Lisbon and Mbanza, the Kongolese capital; proselytizing was carried out in Kongo by Franciscan missionaries; and a respectful relationship between the kings of Portugal and Kongo continued for about a quarter century.

The official Portuguese presence in Angola was small--little more than a token government, an expeditionary force, and an evangelizing mission--and was largely confined to the coast for several centuries. But, even in the earliest decades of contact, there were also many illiterate Portuguese adventurers, brigands, and convicts seeking opportunity in the area. They soon formed a trading network with African groups in order to obtain slaves for profit.

Africans had practiced slavery in various forms

since well before the coming of the Portuguese. But soon after their arrival, there was a great increase in the overseas demand for slaves--who were required for agricultural labor, initially in Portugal and Sao Tome, and later in Brazil and North America--and the traders offered attractive rewards for their capture. The ensuing trade in people precipitated great population displacements throughout north and central Angola and changed the very nature of slavery from a by-product of conflict to the sole reason for it.

At the beginning of the seventeenth century, Portugal became convinced that gold and silver mines existed in territory occupied by the Mbundu, and waged war to control them. No mines were found, but the profits derived from the great many slaves produced during the conflict demonstrated to the Portuguese government how profitable slavery could be. For the next two-and-a-half centuries, slavery became the major motivation for Portugal's extension and expansion of its authority in the region.

Portugal's pre-industrial status severely constrained its ability to develop major economic infrastructure in its colonies. Moreover, the slave trade required so little expenditure of energy and labor by those who most profited from it that all attempts to develop Angola's own legitimate potential were given up in favor of exploiting its manpower for developing Brazil, which Portugal regarded as a more important territory. The time came when the Portuguese population did not even provide for its own sustenance, and the ships that carried slaves to Brazil brought back the food which Angola itself did not produce.

To expedite the export of slaves from Angola, Portugal established ports at Luanda and further south

along the Angolan coast, and attempted both to expand its presence inland and to control the coastal plain. By the middle of the nineteenth century, however, the official Portuguese presence in Angola was still less than 2,000 persons and was limited to isolated settlements along the coast. Most of the interior remained in the control of African traders and warriors who provided slaves to the Portuguese.

Slavery remained legal in Angola until 1878--and continued under various and invidious guises until the 1960s--but international trade in slaves was effectively suppressed around 1850. From that time, Portugal could no longer look upon Angola simply as a source of exportable manpower, and increasingly tried to pursue a policy of colonization. During the next three-quarters of a century, Portugal gradually achieved effective control over Angola. The Portuguese penetrated the interior, obtained European recognition of the territory as being within Portugal's sphere of interest, and began a series of campaigns to suppress the African inhabitants of the Angolan hinterland.

Unable to commit the necessary capital resources or to attract Portuguese settlers, however, Portugal was slow to develop its colonization program. The Portuguese population in Angola was still less than 10,000 in 1900, and almost all were "degredados"--convicted murderers, arsonists, and rapists taken from the dungeons of Portugal and cast onto the wharfs of Luanda. There, many became either colonial administrators and military personnel, or unscrupulous traders and merchants. Portugal did not successfully subdue the major population groups until the mid-1920s, by which time the Portuguese population had grown to about 20,000.

For almost 400 of the 450 years after the first Portuguese arrivals, the preponderance of human activity in Angola had been related to slavery--to raiding, capturing, fighting, escaping, trading in human lives. Scholars estimate that during that period up to 4 million slaves--30 percent of all slaves taken from Africa and 40 percent of those landed in the Americas--were exported through Angolan ports. High rates of loss during capture and transport suggest that perhaps twice that number perished while resisting enslavement or during their captivity.

The relationships Portugal established with Angola's main ethnolinguistic groups were all directed ultimately toward furthering the slave trade, but they varied significantly in duration, manner, and degree of involvement. With the passing of the slave trade, the groups also engaged in different economic pursuits within the colonial economy. The varying roles they played during the slave trade and colonial eras contributed greatly to a mutual distrust which continues to influence attitudes and events in Angola today.

THE ANGOLANS

The Kongo: Although the capital of the Kongo Empire was located in what is present-day Angola, about 70 percent of the Kongolese lived in what are now the Republic of Zaire and the People's Republic of the Congo. Kongo people within Angola represent about 13 percent of the entire Angolan population, making them the country's third largest ethnic group.

Despite the relatively benign character of the first contact between officials of the Portuguese and

Kongo kingdoms, tensions quickly developed. Much of the traditional Kongolese leadership--the king and many members of the nobility--converted to Christianity soon after the Portuguese arrival and largely assumed a veneer of Portuguese culture. This spiritual and psychological alienation from their own culture weakened the leaders' ability to understand and govern their more traditional populations, thus intensifying the formation of Kongolese factions that historically had disputed the king's succession.

Portuguese political influence, motivated by desire for the enormous profits inherent in the slave trade, also led to disruptions within the empire. As early as 1526, the Kongo ruler explained in a letter to King John of Portugal:

"...many of our people, keenly desirous as they are of the wares and things of your Kingdoms, which are brought here by your people, and in order to satisfy their voracious appetite, seize many of our people, freed and exempt men; and very often it happens that they kidnap even noblemen and the sons of noblemen and our relatives, and take them to be sold to the white men who are in our Kingdoms."

However damaging its effects, the slave trade continued, and relations between Portugal and the Kongo began to deteriorate as they quarreled over access to slaves, and to arable lands. These disputes eventually resulted in a series of armed conflicts, and the Kongo kingdom was effectively defeated by superior Portuguese firepower in 1665.

Their political unity broken, the Kongolese in Angola submitted to Portuguese rule, and Portugal gained control of appointments to the Kongo throne. When slavery was banned, and the Kongolese and other

groups could no longer pay their taxes in slaves, they were subject to Portugal's policy of forced labor. This generally required nonwage-earning Africans to work without pay six months a year for the colonial government or Portuguese settlers. The Kongolese frequently fled to kinsmen in Zaire when the burdens of colonial rule became too onerous, and from time to time, memory of the Kongo Empire kindled their hope for its restoration.

The Mbundu: Comprising about 26 percent of its population, the Mbundu are the second largest ethnic group in present-day Angola. At the time of the arrival of the Portuguese in the Kongo Empire, the Mbundu lived in a number of autonomous and semi-autonomous kingdoms and chieftaincies to the south of the Kongo.

Like the Kongolese, several of the stronger Mbundu groups also took part in the slave trade, initially profiting from their role as intermediaries in furnishing slaves to the Kongolese and soon thereafter dealing directly with the Portuguese to exploit weaker groups. As in the Kongo, there was little trust between the Mbundu and the traders at the best of times, and Portugal eventually decided that military subjugation was necessary for effective exploitation of the Mbundu people. Portugal's armed suppression of the Mbundu began in 1671, but was not fully accomplished until well into the twentieth century.

As the trade in slaves expanded in the interior and Portugal carried out its policy of military subjugation, some Mbundu gradually migrated westward toward the developing port of Luanda. There, some learned to speak Portuguese and became involved in commerce and, eventually, in government. A relatively small number became "assimilados", persons who

obtained Portuguese citizenship and elite status in Angola by adopting a Christian faith and the Portuguese language and culture.

While African assimilados occupied a lower social position than those who were "mestizo"--people of mixed Portuguese and African parentage--both ranked well above "indigenas", the unassimilated Africans who comprised more than 97 percent of Angola's population. Mestizos were often born of Portuguese-Mbundu liaisons, but they descended from other African groups, too, and greatly outnumbered the assimilated Africans. Mestizo assimilados, in particular, were so closely identified with Portuguese culture and society that their legacy of elitism endured through the era of nationalist struggle, and continues today.

The Ovimbundu: The largest group in Angola, the Ovimbundu make up about one third of the total population. Although concentrated in the country's central highlands, the Ovimbundu are also the most widely dispersed group in Angola. At the end of the sixteenth century, when the Portuguese were establishing relations with the Kongo and Mbundu kingdoms, the Ovimbundu were already established traders, active between the Atlantic coast and the deep interior. In the next century, when the Portuguese were anxious to find additional--or more direct--sources of slaves, they found the Ovimbundu eager and able to deliver them in exchange for Portuguese weapons and consumer goods.

With their vastly superior numbers--and with Portuguese armaments--the Ovimbundu were able to undertake slave raids deep into the African hinterland, and were the Western world's most important suppliers of slaves for the next

two-and-a-half centuries. By the early nineteenth century, they controlled the entire slave trade between the interior and the Angolan coast.

With the collapse of the slave trade in the mid-nineteenth century and the subsequent Portuguese penetration of the interior, the Ovimbundu people had to abandon the warfare and slave raiding which had come to play integral roles in their economy. They turned initially to collecting, transporting, and trading rubber and, when that market collapsed in the early part of this century, to cash crop agriculture. They also continued to seek livelihoods outside the central highlands in the ports and as recruits in the colonial army, and they worked in great numbers as contract laborers on the coffee plantations which Portuguese settlers were establishing on land taken from the Kongolese.

THE RISE OF NATIONALISM

In the 1920s, as the colonial government finally completed its conquest of the Angolan interior, racial and class tensions developed in Luanda. Expanding but erratic growth in the Angolan economy since the late nineteenth century had resulted in substantial increases in the African population in Luanda, where uneducated Africans formed shanty towns and eked out bare existences. The assimilado communities became increasingly aware of the plight of unassimilated Africans in Luanda and of their own alienation from their traditional origins, and they found it more and more difficult to defend their elite social and economic positions.

At the same time, the assimilados were also facing pressure from above. Angola's Portuguese population had doubled in the first two decades of the twentieth

century, an influx that was seen as restricting the potential for assimilado advancement. One new law divided the colonial bureaucracy into separate European and African services, precluding assimilados from exercising any real authority; another limited assimilado salaries and promotions, even within the private sector. Looking above and below them, assimilados came to view their position as precarious. Initial actions against the injustices of the colonial system, however, were limited largely to submitting petitions to the Portuguese authorities and writing protest literature and poetry.

A second and larger wave of Portuguese immigration to Angola began immediately after World War II. The Portuguese population in Angola more than tripled between 1945 and 1960, and included many Portuguese who were totally illiterate. More than half had received no education at all, and less than six percent had gone beyond fourth grade. Additional competition for jobs, even unskilled ones, resulted in urban areas, and the use of forced labor to develop plantations expropriated by the Portuguese further alienated rural populations.

Also, during the post-war period a small but growing number of relatively privileged young assimilados were provided opportunities by North American Protestant churches to pursue higher education in Europe, where they were exposed to a variety of influences. Upon their return to Angola, these urbanites began to orient their political views toward what they saw as the interests of the impoverished popular masses.

The repressive nature of the colonial government, the dilemma of the African elite, and the desperation of the unassimilated urban poor created an atmosphere

favorable to the promotion of extralegal associations, and many such groups were formed. In December 1956, some of these small political groups came together to form the Popular Movement for the Liberation of Angola (MPLA).

While clandestine groups were being established in Luanda, another organization, the Union of North Angolan Peoples, was founded among the many thousands of Angolan Kongolese who had migrated to Zaire to escape Portuguese oppression and to seek better livelihoods. This movement subsequently received major impetus from a disagreement between the Portuguese authorities and reformist Kongolese in Angola regarding the successor to the Kongo king, who died in 1955. For two years, the Portuguese stymied all efforts to seat an educated Kongolese on the throne or to allow a council of educated Kongolese to advise the illiterate puppet the Portuguese had installed.

In 1957, frustrated Kongolese nationalists, seeking restoration of the ancient Kongo kingdom, decided to join the exile political party in Zaire. By the end of the following year, however, when it was clear there was little support among African heads of state for ethnic separatism, the Kongo movement changed its name to Union of Angolan Peoples (UPA). Although still entirely of Kongolese leadership, UPA purported from then on to stand for the liberation of all Angolan people.

For the next several years, both organizations propagandized among their prospective adherents. UPA campaigned among the Kongolese in the far north--exploited for their land and labor by Portuguese coffee growers--by recalling the glories of the former Kongo Empire; MPLA worked mainly among the Mbundu--the unassimilated, impoverished Africans

around Luanda--by evoking the memory of a once-powerful Mbundu queen. Police surveillance intensified along the border and in Luanda. MPLA leadership was decimated by arrests and, in 1960, the party re-established itself in exile, initially in Zaire.

THE WAR FOR LIBERATION

Two significant events in early 1961 are usually cited as marking the start of the armed struggle for the liberation of Angola. The first, organized by MPLA, was a public march on a police station and a prison in Luanda, demanding the release of political prisoners. This led to street violence during the first half of February, leaving hundreds of Angolans dead and many others wounded. Concurrent and subsequent arrests severely restricted MPLA's ability to function for the remainder of the year.

In a considerably more violent action in March, farmers and laborers--mostly Kongolese and incited by UPA--attacked towns and isolated Portuguese farmsteads in northwestern Angola, killing hundreds of Portuguese and assimilados, and thousands of Ovimbundu contract laborers, in a matter of days. Portugal dispatched thousands of troops to quell the uprising, and their retaliation was widespread and brutal.

UPA organized rapidly and, by summer, claimed an army of some 5,000 untrained and ill-equipped soldiers who, nevertheless, offered stiff resistance to the Portuguese for six disastrous months. Portugal's saturation bombing of villages and its use of napalm forced more than 60,000 Angolans to seek refuge in Zaire by the end of 1961, while the death toll within Angola during the uprising was estimated at several

thousand Portuguese and as many as 50,000 Africans.

Its political image bolstered by its participation in the uprising, the UPA merged with a smaller Kongo group in the following year to form the National Front for the Liberation of Angola--known by its Portuguese acronym, FNLA--and proclaimed itself Angola's Revolutionary Government in Exile. The exile government received recognition and funding from the Organization of African Unity, weapons and military training from Algeria, and a small amount of covert funding from the United States.

FNLA was headed by Holden Roberto, a Kongolese born in Angola, but raised since early childhood in Zaire. Roberto had received a French language education in mission schools run by Baptists, who were active among the Kongolese on both sides of the Angola-Zaire border. As a consequence, he spoke French and the language of the Kongolese, but little Portuguese, the official language of Angola.

While FNLA was establishing its exile government, the almost moribund MPLA was being rejuvenated by Agostinho Neto, a Mbundu assimilado physician who spoke fluent Portuguese and wrote poetry. The son of a pastor, Neto had received a United Methodist Church scholarship to study medicine in Europe and had been politically active as a student. He had been arrested several times and imprisoned for his political activities, but had escaped and made his way to Kinshasa, the capital of Zaire, where he took over the MPLA.

Neto sought to establish a common front with FNLA, but centuries of markedly different colonial experiences had generated distrust on both sides, and the two factions could not agree on the terms of a

coalition. MPLA leadership was comprised largely of assimilated Africans, mestizos, and white Portuguese sympathizers--the latter two representing the colonial culture in the eyes of most Angolans. FNLA's leadership, on the other hand, was still almost entirely Kongolesé and was widely viewed as ethnocentric and anti-intellectual. In any case, it was clear that Roberto's real concerns did not extend much beyond the Kongolesé people.

To broaden FNLA's image, Roberto appointed Jonas Savimbi as foreign minister of the exile government. Savimbi, although an Ovimbundu, had been secretary general of the UPA and had attended university in Europe on a scholarship from the United Church of Christ, which was active mainly among the Ovimbundu peoples. Possessing rare oratorical and linguistic skills, Savimbi spoke Portuguese and other European languages in addition to those of the Ovimbundu, the Chokwe, and other African groups in Angola. But Roberto's continued domination of the exile liberation government frustrated Savimbi and other top leaders. In 1964, Savimbi withdrew from FNLA, charging Roberto with flagrant tribalism and with being a tool of the CIA.

Operating from Kinshasa, FNLA repeatedly spurned MPLA's offers of unity and continued small-scale, but widespread, guerrilla operations in northwestern Angola. MPLA was expelled from Kinshasa by the Zairean government and then moved its headquarters to Brazzaville, the capital of the newly independent Republic of the Congo. There it began its own guerrilla operations against the Angolan enclave of Cabinda in mid-1964.

Portugal meanwhile continued its policy of harsh reprisals in the wake of guerrilla attacks. By the

end of 1965, more than 400,000 Angolans had been driven into refuge in Zaire. There they settled in an unorganized manner, seeking out kinsmen with whom they could share land or remaining near the border from where they could return occasionally to Angola to tend their own farms. Many became thoroughly integrated into the Zairean economy.

Portuguese authorities forcibly resettled much of the remaining northern Angolan population in controlled villages established to restrict popular support for the guerrilla forces. The removal of villagers from their farms, however, seriously disrupted the rural economy and resulted in significant increases in malnutrition, incidence of disease, and infant mortality.

In 1966, following a year's training with a small group of cadre in the People's Republic of China, Jonas Savimbi rejoined the struggle for Angolan liberation. He established his own movement, the National Union for the Total Independence of Angola (UNITA), which organized initially among the Chokwe of eastern Angola. UNITA appealed to a broader base than did FNLA, and it attracted representatives of the smaller ethnic groups in eastern and southern Angola, as well as some non-Kongolese dissidents from FNLA. The leadership of UNITA was predominantly Ovimbundu, however, and the movement was viewed with some mistrust by other groups because Ovimbundu had worked as plantation laborers on expropriated lands, and had been favored recruits into the colonial army.

THE DEEPENING CRISIS

As the liberation war gradually spread south and east in Angola, refugees began to arrive in Zambia and

then, in smaller numbers, in Botswana. In 1965, some 6,000 Angolans, mainly ethnic Lunda and Chokwe, were forced into Zambia's Western Province, an area of poor soils and bilharzia-infected water, where they struggled to survive. During the next three years, their numbers doubled. The Zambian government, with the assistance of the United Nations High Commissioner for Refugees (UNHCR), responded by establishing a rural settlement for the Angolan refugees at Mayukwayukwa in Western Province, but natural conditions were too harsh to support more than a fraction of the refugee population in an organized settlement, and refugees continued to arrive.

In 1971, a second settlement was established for the refugees at Maheba, in Zambia's Northwestern Province, where soils and water quality were much improved. At Mayukwayukwa, large plots and development of the limited groundwater sources enabled about 2,000 refugees to attain bare self-sufficiency, and around 10,000 moved on to Maheba. By 1973, their numbers had doubled again to almost 24,000, but then remained fairly stable for the next two years.

All three liberation movements--MPLA, FNLA, and UNITA--carried out low-level guerrilla activities during this period. Until 1974, they tied down 50,000 Portuguese troops and sapped Portugal's limited economic strength, despite engaging in few major battles. However, the liberation movements repeatedly confronted each other, both politically and militarily, and each appears to have provided information to the Portuguese on the movements and activities of the others. MPLA suffered incessant internal conflict as well, and important MPLA factions broke away from Neto. At certain points in the war, the three liberation movements inflicted more casualties among themselves than did the Portuguese

government forces.

Nevertheless, the continuing liberation struggles in Angola and other Portuguese territories drained Portugal's resources. Growing popular and military discontent in Portugal led to a coup by the reformist Armed Forces Movement in April 1974; within days, a policy of decolonization was announced. The new government in Portugal signed cease-fire agreements with UNITA and MPLA at the end of July, and with FNLA in October.

The war for the liberation of Angola came to a sudden and unexpected conclusion, but it had already taken a tremendous toll on the nation's population. More than 100,000 Angolans had died during the conflict, more than half a million had been forced into exile, and about 250,000 had been displaced within Angola. Worse, the distrust that had grown up among the various ethnic groups during their earlier dealings with the Portuguese intensified even as they rebelled against their colonizers. During the liberation struggle, Angolans increasingly identified with their ethnolinguistic groups, and divisions of class, culture, and race were exacerbated.

AN EMPTY AGREEMENT

Despite continuing conflict among themselves through the remainder of 1974, the three movements came together for a meeting in Kenya in January 1975, and agreed to a common front in their negotiations for independence from Portugal. At the middle of that month, they signed an agreement at Alvor, Portugal. The Alvor Agreement provided for a transitional government representing all three movements, free elections for a people's assembly, and complete

independence for Angola on November 11, 1975.

The cessation of hostilities between the liberation movements and Portugal, and the signing of the Alvor Agreement, encouraged some refugees in both Zambia and Zaire to return home. Indeed, hundreds of thousands of Angolans in Zaire recrossed the border, but in Zambia most refugees were more cautious, and only several thousand returned to Angola. The caution of those who remained in exile was, unfortunately, well justified.

Although they had agreed to hold elections to determine Angola's future, each movement continued to build up its arms and its army. And a new dimension was added: while external support for Angola's liberation movements had been modest during their long struggle against the Portuguese, foreign interest in Angola was greatly aroused by its imminent independence. The United States and the People's Republic of China, for example, promptly provided funding to FNLA, the Soviet Union contributed substantially to MPLA, and UNITA began negotiating with South Africa for arms and training.

CIVIL WAR, FOREIGN INVOLVEMENT

Within weeks of signing the Alvor Agreement, political confrontation gave way to military conflict. MPLA assaulted the office of the politically strongest of its break-away factions. FNLA troops entering Angola from Zaire also engaged in fierce localized armed conflicts with MPLA, which augmented its forces with mercenaries of a Zairean secessionist movement. By March, the first shipments of what grew to be a \$200 million initial infusion of Soviet arms to MPLA were delivered, and Cuban

personnel were training and advising MPLA units by late spring. In response, the United States then provided additional funding to FNLA and, for the first time, to UNITA. UNITA and FNLA established a shaky alliance, but were nevertheless forced out of Luanda by MPLA.

The level of violence during 1975 was unprecedented since the beginning of the liberation struggle fourteen years earlier. Within months, 20,000 died in Luanda alone, and untold thousands more were killed outside the capital. Also, many thousands of civilians were forced to seek refuge from the conflict in neighboring Zambia and Zaire.

By October, a major MPLA offensive was close to victory over the retreating UNITA and FNLA forces. Tens of thousands of civilians--Africans and Portuguese--fled southward before the military advance and streamed into Namibia by boat, in motorized columns, and on foot. By some reports, Cuban troops participated in this major MPLA drive, but others insist that the Cubans did not enter the conflict until South African forces had intervened to repel the MPLA advance, thus assuring the political and military survival of UNITA and, for a while, FNLA. In either case, South African involvement was clearly undertaken in order to further its policy of destabilization in the region, thus facilitating its illegal occupation of Namibia and its continued policy of apartheid. In the end, South Africa's intervention severely tainted both FNLA and UNITA in the eyes of many in Africa and elsewhere.

In early November, an Organization of African Unity (OAU) conciliation commission proposed to all three movements that Luanda be demilitarized, that an OAU peacekeeping force be sent, and that elections be

held--all of which were rejected by MPLA. On November 11, Angola officially became independent. In the absence of a single entity to assume the powers of government, Portugal abdicated its responsibilities, handed over authority to "the people of Angola", and left. MPLA's control of the capital allowed it to take over the reins of government and, in light of South Africa's involvement on behalf of FNLA and UNITA, the OAU reversed its pro-coalition position several months later, recognizing MPLA as the sole legitimate government of Angola. Most other nations of the world followed suit. The Soviet Union, citing South Africa's invasion, increased its supply of armaments to MPLA, and Cuba sent in thousands of combat troops.

The events of 1975--the abandonment of responsibility by the Portuguese, the failure of the liberation movements to maintain a coalition government, their choice of arms over ballots, the massive military build-up by foreign powers, and the direct involvement of Cuban and South African troops--fueled a civil conflict that soon overshadowed the liberation struggle both in its sheer ferocity and in the pervasiveness of its effects on the Angolan population. During the year, at least 50,000 people died as a result of the violence. About 300,000 Portuguese, almost the entire professional and technical resource of Angola, fled the country. Tens of thousands of Angolans were forced into Namibia and Zambia, and many of the Kongolese who had returned from Zaire hoping to participate in elections once again sought refuge in that country. Within Angola, several hundred thousand civilians fled from their homes, and the violence continued.

By March 1976, FNLA and UNITA had been defeated militarily, but subsequently regrouped. During the

next several years, the MPLA government concentrated on combatting the resurgent guerrilla forces while also attempting to establish a society based on the principles of scientific socialism. The party continued to suffer internal cleavages, however, and its economic and political policies often met with public disinterest or opposition. Worker strikes were a persistent problem, and there was much resistance to the state takeover and inefficient management of large plantations. Relations with the Catholic Church, already difficult, were further strained when its radio station was nationalized.

Human rights abuses by both MPLA and UNITA were also reported. MPLA imprisoned a number of individuals for crimes it termed as "incorrect use of criticism" and "fractionism", and many persons arrested for political reasons "disappeared" in custody. MPLA government abuses were especially pronounced following an abortive coup attempt by Soviet-backed ultra-leftists in May 1977. Widespread allegations of torture and beating of prisoners were also leveled against UNITA, and both sides were reliably reported to have engaged in extrajudicial executions. UNITA guerrillas were also responsible for the abduction of numerous unarmed civilians who played no part in the armed conflict.

As civil war in Angola supplanted the war for liberation, the locus of the conflict shifted away from northern Angola to the central and southern areas of the country--the homelands of the Ovimbundu and the smaller ethnic groups who were the main source of UNITA's support. By 1979, security in northern Angola was sufficient for many of the Kongolese in refuge in Zaire to return home. But within central and eastern Angola--the traditional breadbasket of the nation--the situation grew increasingly unstable. Mines were laid

in agricultural fields and village footpaths, and many UNITA guerrilla raids and government retaliations were carried out, with civilians often caught in the middle.

Heightened conflict precipitated major additional flows of refugees into Zambia beginning in 1982, and into Zambia and Zaire beginning in 1984. The spreading civil war--combined with misguided government policies, bureaucratic inefficiencies, and inadequate rains--also resulted in drastic declines in agricultural production during this period. The government modified some of its more inappropriate and unpopular agricultural policies, established a more mixed economy of public and private sectors, and sought unsuccessfully to improve relations with the United States. Drought conditions precluded any improvement in crop yields, however, and Angola faced severe food shortages in 1984.

During this period, MPLA, with foreign support, also had to respond to repeated incursions by South African Defense Forces. These raids were aimed ostensibly at the Southwest African People's Organization (SWAPO) which, operating from bases in Angola, has been waging a guerrilla struggle against South Africa's illegal occupation of Namibia. But South Africa also continued its attempts to destabilize the MPLA government--carrying out sabotage, which it sometimes sought to ascribe to UNITA, against important elements of Angola's economic infrastructure--and intervened several times between 1983 and 1985 to help UNITA repel major offensives launched by government and Cuban forces.

TOWARD CATASTROPHE

In mid-1987, more than 400,000 Angolan refugees remain in Zaire and Zambia, including nearly 100,000

who have fled since July 1985. In both asylum countries, refugees initially settled near the Angolan border, but following an armed attack from inside Angola on the refugees in Zaire in 1985, the Zairean government decided to move them away from border areas. Similarly, following a series of incursions into Zambia, that government decided that all refugees entering Zambia after October 1985 should be moved away from the border to the settlement at Maheba.

Zaire: Some 306,000 Angolan refugees remain in Zaire, about 75,000 of whom have arrived since mid-1985. About 34,000 of these recent arrivals have fled into Shaba Province, and the remainder--including some 20,000 who have fled during the spring of 1987 alone--have gone into the provinces of Bas Zaire and Bundundu.

Although most refugees are currently fleeing into Zaire's western provinces, a small flow still continues into Shaba. Refugees in Shaba are settled in three sites west of Dilolo along the Benguela rail line. They are peasant families--Lunda, Chokwe, and other groups--fleeing the violence that has overtaken their villages as the war has intensified in the border areas of eastern and northern Angola.

Some refugees in Shaba say they were supporters of MPLA and have been abused by UNITA soldiers; others say only that they fled the war. Newly arriving refugees interviewed by the U.S. Committee for Refugees in June 1987 indicated they fled to Zaire, rather than to population centers within Angola, because they believed that violence would follow those seeking safety in Angola's towns and cities.

Upon entering Zaire, these refugees are processed by the Zairean army and by the state security agency,

and members of both services often extort money or personal possessions from the refugees. They are then settled in small, dispersed, and well-organized communities located not less than 30 miles from the border. These settlements were established on behalf of the Zairean government and the United Nations High Commissioner for Refugees (UNHCR) by World University Service of Canada. Some petty harassment of refugees by the Zairean military occurs within the settlements, and one female refugee recently died after being raped repeatedly by Zairean security police.

Through World University Service, UNHCR provides refugee families with food rations for a time, but encourages them to become self-sufficient as quickly as possible using the seeds and hand tools provided. UNHCR also funds supplementary medical services provided in the region by the French medical organization, Medecins Sans Frontieres.

The larger current flows of refugees into the provinces of Bas Zaire and Bundundu reveal a growing food shortage in addition to intensified violence in Angola's northernmost districts. Most recently arrived Angolans interviewed by the U.S. Committee for Refugees cited UNITA attacks against MPLA garrisons as precipitating their flight, but all also spoke of massive disruption of food production in their home areas. Refugee children arriving in these provinces often show signs of malnutrition. Refugees also commonly reported that agricultural fields and paths to fields in Angola had been mined by UNITA, making it unsafe to return home even if the violence in the immediate area dissipated. As of mid-June, no accurate aggregate count of the new arrivals had been made, nor had any assistance program for them been mounted.

Zambia: There are now more than 92,000 Angolan refugees in Zambia, of whom approximately 57,000 have settled in Western Province and about 35,000 in Northwestern Province. Two settlements, Mayukwayukwa in Western Province and Maheba in Northwestern Province, accommodate a total of about 12,000 Angolans. The large number remaining are self-settled in scattered communities along Zambia's western border, where they share ethnic affinities with Zambian nationals.

Zambia also provides asylum to refugees from other countries in the region--Zaire, South Africa, and Namibia--and is experiencing a large and steady influx of refugees from Mozambique. At a time when Zambia is facing significant economic difficulties, the well-publicized refugee influxes present Zambian authorities with additional political difficulties, and there is evidence that some segments of the population are increasingly resentful of the refugees' presence.

Since late 1985, flows from Angola have been largely into Zambia's Northwestern Province, where refugees continue to enter at the rate of about 1,000 per month. The presence of these new arrivals in border areas has raised the concern of the Zambian government that Angola's war may spill over into Zambia, and it has decided to move these refugees away from the border. UNHCR has agreed to expand the existing Maheba settlement to accommodate up to 10,000 of the new arrivals.

Angolan refugees outside settlements in Zambia generally subsist by working as agricultural laborers on the farms of local nationals--often kinsmen--or are themselves farming marginal lands provided by the community. Their cultivation of marginal lands,

however, yields most refugees only a bare subsistence, and nutritional levels are often unsatisfactory. Moreover, the remoteness of the refugees from the capital of Zambia, and their distribution over wide areas, has constrained the ability of the Zambian government and UNHCR to deliver relief supplies to needy refugees in a timely manner.

Angolan refugees, nevertheless, expressed to the U.S. Committee for Refugees their reluctance to move to established settlements. They want to return to a peaceful Angola, and prefer to look upon their present situation as only temporary. They see moving to a settlement as a further step away from their homeland and a tacit acceptance of the semi-permanence of their exile. The government of Zambia has agreed to allow those refugees who entered Zambia prior to October 1985 to remain in their present communities, but insists that later arrivals must move to a settlement. Recent reports in the Zambian press suggest that some of the more recent Angolan refugees have gone into hiding to avoid moving to Maheba settlement, and Zambian officials have threatened to force such recalcitrant refugees back into Angola.

Angola: Although self-settled Angolan refugees in Zambia lead a somewhat perilous existence, their compatriots in Angola clearly fare much worse--for the laying of mines, in farmers' fields and in village footpaths, has been a crucial and continuing aspect of the conflict there. The MPLA government has repeatedly accused UNITA of planting the mines in order to destroy Angola's economy. UNITA, on the other hand, claims that MPLA is doing the mining to discredit UNITA and to force UNITA supporters into government-held towns--drying up the water to catch the fish. Other evidence suggests that both sides may have resorted to this form of terrorism. In any case,

the victims of minings include soldiers and supporters of both the government and UNITA, as well as great numbers of innocent peasants who sought no conflict with either.

In central Angola, the International Committee of the Red Cross (ICRC) trains and assists local teams to manufacture prostheses and to provide the physiotherapeutic rehabilitation required by the victims. In UNITA-held areas of the south, similar assistance has been provided by the French organization, Operation Handicap International, and an ICRC team specializing in war surgery performs medical operations on seriously wounded victims. But almost 20,000 Angolans have already lost at least one limb, and each month additional scores of individuals are afflicted. Dedicated Angolans on both sides work long and hard to help solve the immediate problems of the amputees, but neither side can fully meet the desperate needs.

Armed conflict and the grisly effects of the mines have forced many of Angola's peasants gradually to abandon their fields and seek safety in the country's towns and cities, thus also crippling the nation's economy. By official count, approximately 700,000 Angolans are internally displaced, but those uprooted prior to April 1985 are no longer included in displaced totals, making the actual number of displaced Angolans much higher. A clearer sense of the enormity of rural displacements in Angola is possible by comparing urban and municipality populations at independence and in 1987. Luanda, for example, which had a population of about 500,000 in 1975, now provides cramped accommodation for roughly 1.2 million Angolans; Huambo has grown from less than 100,000 to nearly 1 million in the same period; Benguela's population has grown from 55,000 to about

350,000; and hundreds of crossroads communities, which at independence had African populations of only several hundred, in 1987 have as many as 25,000. In a dozen years, about three-and-a-half million civilians--roughly 40 percent of the entire population--have fled the war-torn countryside of Angola for the comparative safety of its towns and cities.

Expatriate nongovernmental organizations that often assist governments with relief and development programs are few in Angola. Assistance to internally displaced civilians is provided chiefly through ICRC, which, despite a roller-coaster relationship with MPLA and UNITA during the past decade, has managed to preserve its neutrality and presence in Angola. In addition to its role in upgrading medical facilities and personnel, ICRC distributes blankets and seeds to newly displaced populations, and provides food to malnourished communities.

As farmers increasingly have clustered around municipalities, less land has been planted, and that land has been cultivated too intensively and depleted of its nutrients. The result has been a sharp decline in soil fertility and crop yields, and Angola, once a net exporter of food, is no longer able to feed itself. Preliminary estimates of the 1987 spring harvest indicate that Angola has produced only half of its annual grain requirement of 650,000 metric tons.

Other sectors of the economy have also been affected seriously. Coffee production, once a mainstay of the economy, is down from 4 million to 200,000 bags a year, and diamond mining has also been drastically reduced. Only petroleum, most of which is pumped in the Cabinda enclave by American firms, continues to provide Angola significant foreign exchange.

But the most devastating effects of the continuing conflict have been on the young, on vulnerable infants and children under the age of five. The destruction of health posts, the decreased mobility of health personnel, the semi-permanent displacement of a substantial portion of the rural population, and the corresponding reduction in food production have all combined to inflict upon Angola one of the highest infant mortality rates in the world--approximately 55,000 children in Angola died from war or war-related causes in 1986. With another major build-up in armaments already underway, it can be reasonably expected that 1987 totals will be even higher for Angola's children.

PROSPECTS FOR PEACE

UNITA obtains substantial military support from South Africa, and South Africa maintains about 2,000 troops in southern Angola. U.S. military assistance to any faction in Angola was prohibited by Congress in 1976, but following repeal of that law in 1985, the Reagan Administration has provided at least \$30 million in aid to UNITA. Substantial assistance to UNITA by several Middle Eastern nations--apparently at the request of U.S. authorities seeking to circumvent Congressional restrictions prior to 1986--has also been reported.

MPLA has received military assistance primarily from the Soviet Bloc. The U.S. State Department estimates this aid to have exceeded \$2 billion in value since 1975, and, in May 1987, another major infusion of armaments was underway. Roughly 2,000 Soviet and East German advisors, technicians, and pilots also assist the MPLA government, and Cuban

military strength in Angola has grown since independence to about 37,000 soldiers.

These high levels of international military assistance have compounded the struggle within Angola, and, as the conflict has grown more violent, so the people of Angola have suffered more severely and have died in greater numbers. In 1987, rural civilians continue to lose their arms and their legs, their homes and their families; and they continue to flee their villages to seek safety in towns and in neighboring countries.

UNITA's stated goal is a negotiated power-sharing arrangement with MPLA, while the government insists upon maintaining a one-party state. Although UNITA operates throughout most rural areas of Angola, it controls only a small amount of territory in the country's southeast. But, both UNITA and MPLA are now far more effective fighting forces than at independence, and the military situation in Angola appears intractable to most analysts.

The government's strategy apparently is to contain the guerrilla movement until such time that opposition in South Africa weakens the resolve of that country to come to UNITA's aid. But South Africa's immediate interests are served by continuing conflict in Angola, since the civil war facilitates South Africa's illegal occupation of Namibia and provides cover for South African attacks against SWAPO bases in Angola. Thus, it appears improbable that South Africa will abandon UNITA in the near future.

In light of recent build-ups in armaments in Angola, the most likely prospect for the foreseeable future is prolonged fighting and an escalation of the level of violence. Such a prospect implies a mounting

toll of death, destruction, and displacement in Angola and the deepening involvement of the Soviet Union, Cuba, South Africa, and the United States in Angola's civil war. The further involvement of the United States is a matter of continuing debate within both the Congress and the Reagan Administration, for U.S. aid to UNITA is seen by many as direct support for South Africa's program of regional destabilization.

In addition to its influence on events in Namibia, there are other regional aspects to the conflict in Angola. Savimbi has alleged that Zambia has been used as a staging point in carrying out MPLA attacks on UNITA, and reports in Zambia suggest that UNITA has provided support to armed dissidents in that country. The use of Zaire as a transit point for United States aid to UNITA has also become public, angering the MPLA government and further straining relations between Luanda and Kinshasa. Thus, in addition to the likelihood of prolonged and escalating violence in Angola, there is also a distinct possibility that the conflict could widen into neighboring countries.

CONCLUSIONS AND RECOMMENDATIONS

The civil conflict in Angola is deep-rooted and intractable, but the suffering of its people is immediate and could be ameliorated by an elimination of destructive foreign involvement in that country. The truth is that none of the major actors in the drama that is playing itself out in Angola evidences adequate concern for innocent civilians. Within Angola, millions of uprooted people find themselves in an increasingly perilous situation and, each month, thousands of hungry and bedraggled refugees flee to Zambia and Zaire to escape the ravages of war. The plight of these victims of conflict has at times been

used to political advantage by one side or the other. More often, the welfare of the people has been largely neglected by the contending forces in Angola, by their foreign supporters, and even by the media, which have focused chiefly on the political and military aspects of the civil war.

But Angola has now reached a crucial juncture. The cumulative effects of 26 years of conflict and population displacement in Angola are rapidly turning a tragic crisis into a true humanitarian catastrophe. In the hope that an immediate and concerted effort by all concerned parties may yet avert the worst consequences, the U.S. Committee for Refugees offers the following recommendations:

- 1) In order that grain and supplementary foods reach as many hungry people as possible: a) the government of the People's Republic of Angola should immediately declare a food emergency in Angola and request the United Nations to issue an international appeal for assistance; b) the United States and other Western donors should respond promptly and favorably to Angola's food needs through the International Committee of the Red Cross (ICRC), the World Food Program, and UNICEF; and, c) donor nations should also make substantial financial contributions to ICRC to support the relief effort.

The magnitude of Angola's grain needs--the gap between production, stocks, pipeline shipments, and commercial imports on the one hand, and minimum consumption levels on the other--has been known for some time to be about 200,000 tons. Food is already scarce in some areas of Angola and food analysts believe most stocks will be exhausted as early as

October or November. Moving quantities of grain to Angola from sources in Europe or North America and even from other countries within southern Africa is unfortunately a very time consuming process. The massive destruction that has been inflicted on the transportation infrastructure within Angola will also tragically impede distribution of relief commodities. Clearly, it is already too late to meet the needs of some victims--infants and young children die first in such a crisis--but many can be saved if action is taken now.

Several credible and professional humanitarian organizations--ICRC, the World Food Program and UNICEF--have established mechanisms for identifying and assisting those most in need. These organizations are already active in Angola, and they have developed delivery and monitoring systems to assure that donated commodities reach the intended recipients. Government-to-government donations, on the other hand, are often reported to be diverted for other uses. It will be necessary for each organization to increase its area of operations as well as its staff to cope with the impending emergency, however, and plans and assignments should accordingly be made now.

ICRC currently carries out relief operations mainly in the central highlands, scene of the most prolonged and intense conflict in Angola. Operating under the Red Cross flag, and with agreement from both sides in the conflict, ICRC has been able to reach the most severely affected victims in the area. But rail and road links have been destroyed in the war, and food relief must often be moved by air to isolated communities, an expensive undertaking. Food donations should be matched by generous financial contributions to ICRC to help pay the high transport

costs it must incur to reach increasing numbers of people.

Meeting the food and related needs of Angola's desperate civilians is complicated by the absence of the normal network of effective nongovernmental relief and development agencies in the country. Both the government of the People's Republic of Angola and concerned nongovernmental agencies must act to remedy this problem.

- 2) The government of the People's Republic of Angola should permit the humanitarian aspects of the conflict in Angola and the impending emergency relief effort to be the focus of increased and less restricted media attention.

The violence directed against civilian populations--the mining of agricultural fields, burning of villages, and destruction of food stocks--is a subject of great contention among Angolans and among independent observers. Increased and unrestricted media coverage of such events in Angola may never reveal the truth of past incidents, but the threat of exposure could well minimize further such abuses.

Similarly, wide media coverage of relief operations in Angola could help prevent disruptive incidents and loss of life among relief agency personnel who, despite formal agreement from both sides have already incurred casualties trying to serve the war-afflicted.

- 3) The governments of Zambia and Zaire should continue to pursue policies that encourage recent refugees to settle away from border areas. The Zambian government should also affirm that no

refugee will be forcibly repatriated to Angola, while the government of Zaire should act to reduce abuses of refugees by its security forces.

Both Zambia and Zaire have been generous in providing asylum to refugees from many countries. The government of Zambia has agreed to allow established Angolan refugee populations--those arriving before October 1985--to remain in scattered communities not far from the border. But Zambia's concerns regarding a possible spillover of Angola's war are genuine and well-founded, and it understandably does not want its border refugee population to grow. UNHCR is correctly promoting the movement of newly arrived refugees away from border areas by providing them material assistance, and by educating them to the benefits of settlement life and the concerns of their host government. This is a laudable approach and should be continued.

Recently, however, public statements by Zambian officials have suggested that Angolans who hide themselves to avoid moving to settlements will not be regarded as refugees and will be forcibly repatriated to Angola. Such statements are extremely disturbing. Forcible repatriation, or refoulement, is a fundamental violation of internationally accepted principles of refugee protection, contrary to the UN Convention and Protocol on Refugees and to the Organization of African Unity Convention on Refugees, to each of which Zambia is a signatory. Zambian authorities should make clear they intend to adhere to their international obligations, and public statements by Zambian officials to the contrary should be discouraged.

In Zaire, the government's policy of welcoming and according asylum to Angolan refugees is being

compromised by abuse, including pervasive extortion, of the refugee population by some Zairean security personnel. The government of Zaire should act forcefully to apprehend and punish those who inflict additional misery on already suffering refugees and who tarnish Zaire's image in the process.

4) Both the MPLA government and UNITA should permit the International Committee of the Red Cross to visit all prisoners detained in relation to the conflict in Angola.

The ICRC is a neutral humanitarian institution and the founding body of the Red Cross. On the basis of the Geneva Conventions, ICRC seeks to protect and assist the victims of international and civil wars. In addition, the Committee is responsible for monitoring conditions of prisoners of war and for notifying their families of their welfare. ICRC has not always been allowed to perform this function in Angola, and reports of torture and extra-judicial executions of prisoners are widespread.

UNITA has permitted ICRC unmonitored visits with some prisoners, but it is not clear that access to all prisoners has been granted. Even more worrisome, ICRC has been so far refused access to any Angolan citizen, military or civilian, detained by the MPLA government. Routine denial of basic human rights in Angola, by whichever side and for whatever reason, should be deplored by all concerned with the welfare of that nation and its people. Both sides in Angola's conflict must yet demonstrate that they share those concerns.

o o o

A humanitarian catastrophe now looms large in Angola, and the predicament of the people of that

country must no longer be ignored. Much valuable time has already been lost, and innocent people will most certainly suffer and die as a result. But how quickly and in what manner the contending forces in Angola, world leaders, and the international community respond to the growing crisis will determine how many others will live. A catastrophe in Angola is imminent, but it need not happen.

APPENDIX VI

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510

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August 3, 1987

Mr. Chester Crocker
Assistant Secretary for African Affairs
U.S. Department of State
2201 C St., N.W.
Rm. 6234A
Washington, DC 20520

Dear Secretary Crocker:

We are taking the opportunity of your return from Angola to underscore our concern about disturbing reports of growing food shortages in that country. We would appreciate any observations you have on this matter based on your recent meetings in Luanda. Of particular interest would be a report on any responses on the part of our own government as well as other governments and international organizations to what has every appearance of an impending humanitarian disaster.

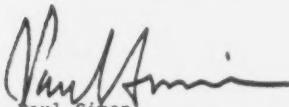
In a hearing conducted in the Subcommittee on Immigration and Refugee Affairs on June 30, private voluntary agency officials who recently visited Angola and surrounding countries reported on the growing crisis. They noted, for example, a rising flow of Angolan civilians -- emaciated much like the starving Ethiopians flowing into Sudan in 1984 and 1985 -- into Zaire. And in addition to the emerging food problems there are reports of extensive displacement and disease, including an outbreak of cholera in Luanda.

We understand that these concerns are also shared in other parts of the international community. And there is every suggestion that a failure to address this problem swiftly will result in a genuine food crisis of famine proportions by this autumn.

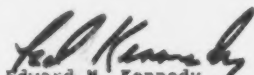
Again, we hope that you were able to learn more of these concerns during your recent trip, and we would ask that you let us know of any actions taken to address this impending crisis.

Best wishes, and thank you for your consideration.

Sincerely,



Paul Simon
Chairman
Subcommittee on African
Affairs
Committee on Foreign
Relations



Edward M. Kennedy
Chairman
Subcommittee on Immigration and
Refugee Affairs
Committee on the Judiciary

APPENDIX VII



UNITED STATES COORDINATOR
FOR REFUGEE AFFAIRS
WASHINGTON, D.C. 20520

September 22, 1987

Dear Mr. Chairman:

I am writing to respond to questions posed by your Subcommittee following the mid-year consultation on refugee admissions and allocations. Please note that Commissioner Nelson and Director Gee are replying directly to questions addressed specifically to them.

Thank you for your keen interest in the refugee program. I am looking forward to discussing these issues with you at the upcoming consultations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jonathan Moore".

Jonathan Moore

Enclosure:

Questions and Answers relating to mid-year refugee consultation.

The Honorable
Edward M. Kennedy,
Chairman, Subcommittee on Immigration
and Refugee Affairs,
United States Senate.

QUESTION FROM SENATOR KENNEDY

Protection in Southeast Asia

QUESTION 1A: Over the past several months we have heard of some of the worst protection problems experienced in Thailand. Obviously, given recent events, current protection is inadequate. Based on your recent field visit, what can you say will be done differently to assure better protection in the future?

ANSWER:

During my recent visit to Thailand I encouraged Thai officials to consider positively those recommendations we and other interested parties have repeatedly made to improve protection for refugees and displaced persons in Thailand.

For the Khmer those recommendations include: a 24-hour international presence at Site Two; legalized commerce for Site Two; improvements for Khmer camp guard forces; and, most importantly, continued efforts to assure the separation of civilians and armed combatants at the encampments. I had lengthy discussions with the Thai regarding Task Force 80. While they came to no firm conclusions regarding steps for improvement, the Thai are well aware of our concerns regarding discipline problems of that force. I also reiterated the U.S. position that the land Vietnamese should be moved to a safer location.

Regarding protection for the Lao and Hmong, the most important protection consideration remains their access to the Thai screening system which distinguishes bona fide political refugees from economic migrants. We support the UNHCR in its work with RTG officials on procedures to ensure equitable implementation of the guidelines all along the border, and with the LPDR to permit the safe return of those not granted asylum. While in Bangkok I urged Thai authorities to permit access to the screening system for the Hmong in the Nam Pun area as well as those detained at the Pak Chom jail. I received no commitments from the Thai for either group but was assured by Thai officials that there would not be a repeat of the events that took place at Ban Vinai in March.

I can give no assurances that anything will be done differently as result of my visit but I can state that Thai officials at both the operational and policy levels know from me the seriousness that this administration and Congress attach to refugee protection issues.

QUESTION 1B: Do we need an entity-- such as UNBRO or UNHCR-- with enhanced protection authority along the Thai-Cambodian border?

ANSWER:

I believe that ICRC can improve the job it is doing as lead protection agency at the border. We have strongly recommended to the ICRC that it urgently expand its delegate presence at the border. Although UNBRO provides information on protection matters, I believe it would be imprudent to ask the organization with primary responsibility for delivery of services to displaced Khmer also to take on formally the more politically sensitive role of making representations to Thai authorities on protection issues. As has been demonstrated at Sites B and E, where the Khmer leadership has shown a desire and ability to administer effectively, the incidence of internal security problems is relatively low. Since the Thai government does not recognize the displaced Khmer as refugees, neither the UN Secretary General nor the international community would support a switch to UNHCR.

Finally, in analyzing the protection problems at the border we must recognize that the identity of the lead protection agency is not the core issue. Actual implementation of protection solutions rests most prominently with the Thai authorities and the Khmer themselves, and the success of the organization that assumes the protection portfolio--regardless of whether it is ICRC, UNBRO or UNHCR--depends on its ability to work with and through the relevant authorities. In our judgment, ICRC is probably best suited to that task at this time.

QUESTION 1C: Do our own Embassy protection officers frequent all refugee camps? We heard that it took several days for a protection officer to get to the field to investigate the recent repatriation of the Hmong. Is this true? If so, why is this?

ANSWER:

Embassy refugee officers visit the camps on a regular basis. However, they are not the sole resource that the Embassy relies on to follow refugee protection issues. Coverage of the March incidents at Ban Vinai is a case in point. When that situation broke, the Embassy asked the acting consul in Udorn -- a political officer fluent in Thai -- to travel to Ban Vinai to report on the situation. Her reports were commendable both for their detail and their accuracy. Subsequently, the Consul returned to post and she also visited Ban Vinai to provide follow-up reporting. It is true that the head of the protection unit did not immediately go to Ban Vinai -- primarily because he was at the Khmer border following other protection issues. The Embassy must make the judgements as to who is to report what and when on fast breaking events.

Resettlement from Africa and Latin America

QUESTION 2A: As stated in our June 24 letter, Senator Simpson and I agreed to the recent reallocation of refugee admission numbers. However, we regretted that the numbers were unused in Latin America and Africa.

In Latin America, why is it that the U.S. can only find Cuban refugees when Canada and Australia find thousands of Salvadoran and Guatemalan refugees needing resettlement? Are we just relying on refugees to come to our embassies, to ICM, or to UNHCR, or are we also making an effort to rescue refugees at risk?

ANSWER:

There is a basic difference between the U.S., Canadian, and Australian refugee programs. The United States refugee definition follows the United Nations Convention, whereas the Canadian and Australian programs include "non-Convention" cases. So, even after our Latin American admissions program becomes well-established, this distinction could result in relatively smaller resettlement figures for the U.S. than for Canada or Australia. For FY 1987, however, the large discrepancy between the resettlement figures relates to the amount of time which was required for the U.S. program to become fully operational. The Canadian and Australian programs have existed for several years.

As you know, the U.S. relies on and supports financially the relevant international organizations to provide protection and assistance to refugees at risk. In order to identify and quantify the potential pool of refugees in Latin America who might be eligible for U.S. admission, early in the fiscal year we asked our Embassies to consult with local voluntary agencies

and international organizations involved in refugee assistance and protection to assess the resettlement needs of refugees from the region.

After the public announcement of our new program during the Consultations for FY 1987, we established an interim program to process potential candidates in the fall of 1986. Very few refugees interested in admission to the United States came forward. Meanwhile, we proceeded to develop and put in place a more comprehensive processing structure. We initiated our formal program in May 1987. Under this program, the Intergovernmental Committee for Migration (ICM), which also prescreens applications for the Canadian and Australian programs, prepares cases for presentation to INS; some 78 cases (228 individuals) have been prescreened for the U.S. program by ICM in Costa Rica. To date INS has approved 7 cases (30 people) and another circuit ride is scheduled through the region for September. Other applicants to be interviewed include those in Mexico, El Salvador, Guatemala, and Honduras.

ICM has offices throughout Latin America, and we are confident it will be able to reach those refugees most in need of resettlement in the United States. The UNHCR is now actively involved in helping to identify potential candidates. All Latin American refugees are eligible for consideration.

The program was limited initially to refugees in processing priorities 1 through 4, because we were concerned -- mistakenly, as it turned out -- that the demand might be higher than the ceiling and because we did not want to create a magnet effect. The program has now been expanded to include priority 5 to ensure accessibility to those with the greatest need for resettlement in the U.S. Many of the Convention refugees of special humanitarian concern to the United States in Latin America do not wish to resettle in the United States as part of our refugee admissions program.

Canada's program emphasizes family reunification. Part of their program is similar to our own fifth preference visa category (which reunites siblings of U.S. citizens). Canada plans to admit 2,435 "Convention" refugees from Latin America in CY 1987 as well as another 250 under private sponsorship, 700 under a special humanitarian program, and 1,250 to be admitted directly from the U.S. (i.e., persons who have been denied asylum in the U.S.).

Australia planned to admit approximately 1,050 persons from Central America during their FY 1987 (July-June 1987): 170 as "Convention" refugees, 600 under their funded Special Humanitarian (SHP) Program, and 280 as unfunded refugees.

QUESTION 2B: In Africa, why aren't we doing more to make our resettlement program available to Africans needing it? For example, isn't there room to be more vigorous in offering to take more South Africans from Lesotho or from political prisons?

ANSWER:

Earlier this year, we asked posts in Africa to report in depth on refugee populations in their countries, to contact knowledgeable international and local refugee-related organizations as appropriate, and to identify any refugee groups likely to need U.S. resettlement which we are not already reaching.

The responses from our posts indicated that there are no large groups of potential candidates for U.S. resettlement who do not have access to our program. As has been the case in the past, the vast majority of African refugees desire to return to their homelands at the conclusion of the civil strife which gave rise to their flight. Others settle spontaneously among

ethnically similar peoples in their countries of first asylum. In the latter instances, the refugee policies of those countries generally make local integration, or at least indefinite stay, a practical solution.

With specific regard to South Africa, refugee agencies agree that most South Africans do not seek resettlement outside of Africa because of their wish to return to their homeland as soon as feasible. Most have settled temporarily in southern or eastern Africa, or sought scholarships to study abroad. There are very few South African refugees residing in Lesotho. Almost all South African refugees arriving in Lesotho move on within a very short time to other countries of asylum in eastern and southern Africa. In order for political prisoners in South Africa to be considered for refugee admission, the President would have to make a special determination that they are eligible, as they are within their country of nationality. Moreover, the South African Government would have to agree to release those prisoners and allow them to emigrate.

While the above-described survey confirmed our previous assessments, we continue to keep our program under review to ensure that it is accessible to all African refugees in need of resettlement. For example, early in this fiscal year we opened our program to African refugees at certain European posts and later expanded it to include all European processing posts.

Matching Grants

QUESTION 3: The June 24 letter also supported the need to increase allocations to ORR's matching grant program, particularly in light of the increase in emigration of Soviet Jewish refugees. This is something I first addressed in a letter to Dr. Phillip Hawkes of the Department of Health and Human Services on February 13, and have pursued on a number of occasions since. When is the Administration finally going to reprogram the funds needed for the matching grant program?

ANSWER:

The Department of Health and Human Services forwarded to Congress on July 21 a request to reprogram \$2 million in social services discretionary funds to the Voluntary Agency Matching Grant Program.

Humanitarian Parole in Southeast Asia

QUESTION 4:

The Secretary of State, in last September's consultations, spoke of the importance of making both our immigration and refugee systems available to Indochinese in Southeast Asia. The Administration also accepted a longstanding device --humanitarian parole--to assist in the reunification of separated family members. However, as of May of this year, only 291 persons have been processed under regular immigration or humanitarian parole. What efforts continue to be made to implement the Secretary's decision? Is the immigrant visa system realistically available in border areas of other refugee camps?

ANSWER:

For Khmer on the Thai Cambodian border (as well as Khmer in refugee camps in Thailand who do not meet refugee admission criteria) the U.S. Government has, in addition to normal immigrant visa processing, set up a special humanitarian parole program to expedite family reunification. This parole program is essentially for Khmer who are beneficiaries of non-current approved immigrant visa petitions, or who are accompanying and

wholly dependent on beneficiaries of petitions. (Cases of unusual humanitarian urgency can also be considered.) The program was set up specifically for Khmer due to their vulnerability on the border and the ineligibility of border Khmer for refugee processing.

From the beginning of the humanitarian parole program for the border Khmer through July, 1987, only 383 requests were received. Of those persons INS interviewed through July, 179 were approved and 13 were denied.

The principal delaying factor is the need to obtain Thai permission to interview the applicants and then, once they are approved, to move them out. Our Embassy is working continually on this matter, and will do so until we receive access to and have processed all the applicants.

INS vs. Consular processing of refugees

QUESTION 5: Consular officers currently handle every kind of visa except one: refugees. Rather than have the Immigration Service maintain officers overseas parallel to consular officers, why not permit consular officers to process refugees? What if consular officers are used at least in areas in which there are not already permanent INS offices, thereby avoiding the protracted and expensive "circuit rider" process? What can immigration officers do that consular officers can't?

ANSWER:

As you know, the present arrangement, under which INS officers adjudicate refugee applications, stems from Section 207(c)(1) of the Immigration and Nationality Act (INA), which states that "the Attorney General may, in the Attorney General's discretion and pursuant to such regulations as the Attorney General may prescribe, admit any refugee who is not firmly resettled in any foreign country, is determined to be of special humanitarian concern to the United States, and is admissible (except as otherwise provided under paragraph (3) as an immigrant under this Act.)" Pursuant to this grant of authority, the Attorney General has designated INS as the agency to act on his behalf in exercising his legal discretion to admit refugees and has issued regulations for this purpose.

In the field, the Department of State's Bureau for Refugee Programs and INS work together in overseeing the admissions program, and consular officers overseas often play an important role in screening candidates for refugee admission, preparing cases for INS interview, and managing the eventual movement of approved refugees to the U.S.

Earlier this year, the Refugee Bureau proposed a pilot program whereby the Attorney General would delegate authority for consular officers to adjudicate refugee applications, on the basis of a mutually acceptable reimbursement arrangement. The Department of State cites Section 103 (a) of the INA which gives the Attorney General authority to delegate the refugee admissions adjudication function to consular officers.

The INS opposed this initiative, indicating that a divided system in which consular officers make refugee decisions in some posts and immigration officers make refugee decisions in other posts would not further the goal of consistent and uniform adjudication. The INS also does not support the more limited suggestion that consular officers process refugees in countries where there is no permanent INS office, again because the INS believes the result would be uneven decisions. The INS is concerned that many junior Foreign Service officers are

performing a required consular rotation before being assigned positions in their cone areas of political or consular affairs. Consular officers often have the duty of reporting descriptions by visa applicants of conditions in countries of interest to the U.S. in which we have no diplomatic missions. INS officers are not charged with such "dual agenda" functions.

The INS also holds that circuit-rider trips are scheduled regularly and that delays are not overlong and do not place refugees at risk. In cases of extreme emergency in which involuntary repatriation of significant harm to the individual is likely to occur, a consular or political officer may cable the Bureau of Refugee Programs and the INS to request the Attorney General to exercise his parole authority.

The discretionary authority to process refugees has been a subject of discussion between the INS and the Department of State for some time. One thing remains clear; under the INA this issue clearly falls within the purview of the Attorney General.

Effects of Cardoza-Fonseca decision on
refugee and asylum determinations

QUESTION 6: Given that the Supreme Court in its decision in Cardoza-Fonseca earlier this year found so clearly that the refugee definition was being applied too rigidly, what new guidance has been given INS officers abroad?

ANSWER:

On March 24, 1987, all Regional Commissioners, District Directors, and Officers in Charge were provided copies of the Supreme Court decision in INS v. Cardoza-Fonseca along with an advisory memorandum directing Service officers adjudicating asylum applications to apply the Court's holding that the standard of proof is less than clear probability. The memorandum instructed officers that discretionary denials of asylum to aliens who meet the "refugee" definition should only occur in cases where significant adverse factors outweigh any favorable factors in the case, and such adverse factors are clearly supported in the written decisions. The Cardoza-Fonseca decision was discussed in-depth at a training conference for asylum adjudicators held in Washington in June. Plus, INS overseas offices have received the decision and memorandum; and a revision of these guidelines is being disseminated.

In most instances a "less than clear probability" standard of proof has been applied to refugee processing since at least August 1983, with the publication of the Worldwide Guidelines for Overseas Refugee Processing. The guidelines instruct officers that, in assessing the objective element of proof, it must be decided whether there is a "realistic likelihood" that the subjectively feared persecution has occurred or is likely in the future. Officers are further instructed that a person's oral statement may be conclusive on its own without corroborative evidence. They are also advised to ignore minor inconsistencies within a person's oral and written claims, as long as the inconsistency is not substantive to the establishment of a well-founded fear of persecution. In these ways the specificity of instructions has led to a benefit of the doubt being given to many refugee applicants and, in effect, a lesser standard of evidence being applied.

"Refugee Impact Statement"

QUESTION 7: In a hearing which the Subcommittee held in February on the refugee crisis in southern Africa, I suggested that policy makers should consider the "refugee impact" of their

decisions. Now, Roger Winter of the U.S. Committee for Refugees brought to the attention of the Subcommittee the desperate situation emerging in Angola as a result of continuing violence there. U.S. support for a warring faction in Angola -- whether a good policy or not -- has no doubt contributed to the violence there, and therefore the current food shortages and displacement.

Don't you think we should consider more formally and carefully the humanitarian consequences of our policy choices? To what extent is that being done currently? To what extent is the Bureau for Refugee Programs consulted by other Bureaus or other parts of the Administration about the humanitarian consequences of various policy options under consideration -- particularly involving support of guerrilla or resistance groups?

ANSWER:

The Bureau for Refugee Programs coordinates closely with other Bureaus in the Department concerning the humanitarian consequences of USG policies, and has actively participated in policy reviews. Other Bureaus, particularly the regional Bureaus, usually consult with the Refugee Bureau on refugee interests. In both directions, this conversation should be strengthened.

The war in Angola has been a tragic fact since 1975. The Department has been working to achieve a negotiated settlement on the withdrawal of foreign forces from Angola and Namibia that would assist the Angolans to work out a solution to their internal problems. Our support for UNITA's legitimate struggle against the Soviet and Cuban occupying forces in Angola should be seen in this light.

At the same time, the United States has been responsive to the humanitarian needs of the Angolan people through our contributions to international organizations. In FY 1987, we are providing about \$10.2 million multilaterally; \$4.5 million through ICRC, \$700,000 through UNHCR, and food aid valued at approximately \$5.0 million through UNICEF. Total U.S. humanitarian assistance to Angola since 1980 has been approximately \$65 million.

It is pertinent to note that the United States does not have a diplomatic or consular presence in Angola, and so we are unable to carry out our own assessments of the internal situation. Consequently, we have drawn upon reports from international organizations such as the ICRC and UNICEF and upon reports of private agencies such as the U.S. Committee for Refugees. We also supported UNDRO's recent assessment of the food and health situation in the country. The report has just been provided to us and we are studying it.

U.N. Coordinator for Southern Africa

QUESTION 8: In the Subcommittee's February hearing on southern Africa, I suggested the need for a senior U.N. coordinator to handle the emerging humanitarian problems in the region -- someone with the ability to coordinate U.N. agencies and the stature to solicit contributions from governments. A coordinator was appointed, but primarily to focus on Mozambique and not for fundraising purposes.

Now, problems are emerging in Angola which are similar to those witnessed in Mozambique earlier this year. And these problems are not isolated to Angola, but are spilling across borders into Zaire and elsewhere.

What are we doing to assure a prompt and coordinated international response?

Do you think there should be a U.N. coordinator for Angola? For the southern region? Is the United States exploring this option?

ANSWER:

The USG looks to the U.N. system to take a leading role in the provision of the relief assistance which may be required by Angola. Following the February hearing, the Department and AID began exploring the idea of urging the U.N. to establish a Special Coordinator for Humanitarian Assistance for Southern Africa. While these discussions were underway, the U.N. Secretary General announced the appointment of the UNDP Resident Representative in Maputo as a Special Coordinator for Emergency Relief Operations in Mozambique. The authorities of this coordinator are limited. They do not extend beyond the national boundaries of Mozambique and do not include the coordination of assistance to Mozambican refugees in the region. The regional effects of the Mozambican situation, therefore, cannot be fully addressed by the U.N.'s country-specific coordinator. However, the idea of a regional coordinator would not appear to have strong support within the region, at least at this time.

We are presently reassessing the effectiveness of the current arrangement in Mozambique. We are obviously concerned about contributing to a proliferation of multilateral coordinators and, perhaps, the creation of an unnecessarily bureaucratic and cumbersome system. This assessment clearly will have implications as well for the USG position on the utility and scope of authority of any coordinator for Angola.

Orderly Departure Program

QUESTION 9: There seems to be considerable confusion about where we stood with the Vietnamese government at the time that Hanoi suspended "intake" under the Orderly Departure Program. Could you clarify this?

Did the United States at any time restrict its criteria prior to the Vietnamese suspension of the program? For example, did we at that time change our criteria in a way which excluded persons previously considered by the U.S., interviewed by the U.S., issued "LOIs" by the U.S., or issued exit permits by the Vietnamese government on the basis of an understanding of U.S. acceptance? Have any changes occurred in U.S. criteria or processing priorities since the Vietnamese suspension of the ODP last year?

ANSWER:

I would like to preface my reply by stating for the record that at technical talks in Hanoi July 13-14 the Vietnamese agreed to a resumption of the U.S. ODP. We have recently begun interviewing.

The U.S. did not restrict its criteria for acceptance in ODP before the Vietnamese suspended interviews January 1, 1986. Following the suspension, our immediate concern was that the end of interviews could lead to a precipitous end of

movement from Vietnam, and that we therefore should approve promptly those cases of special humanitarian concern to us. Thus, for some months, we did give priority to such cases. As the hiatus in interviews continued and the numbers of approvable high priority cases diminished, we approved the remaining cases for movement. We expect the last of those interviewed prior to suspension of interviews and approved for admission as immigrants or refugees to depart Vietnam this fall.

The U.S. has never rescinded previously issued letters of introduction (LOIs), nor have we refused to consider for movement cases which we had previously interviewed.

During the period of suspension, we have changed our processing priorities for cases to be interviewed in the future to place a greater emphasis on regular immigration for family reunification. We see this as the only practical means for continued expansion of the ODP. As you know, for each country, there are 20,000 preference immigrant visa numbers available each year. The number of immigrant visas which may be issued to immediate relatives is unlimited. Vietnamese who have been resettled in the United States as refugees over the past twelve years have had the opportunity to become legal permanent resident aliens and, then, U.S. citizens. As this happens, more use can and should be made of the IV quota.

Placing greater emphasis on immigration gives priority to those qualifying for immigrant visas, who generally also have been separated from their families the longest and deserve consideration on that account. Some 40,000 preference immigrants are beneficiaries of current petitions and could be accepted over approximately two years. An additional number--some 18,000--non-quota immediate relatives could be accepted now.

In reviewing files of ODP family reunification cases, we will issue LOI's to those for whom immigrant visa petitions have been filed for which the priority dates are current or nearly current.

Under current refugee processing criteria, first priority for LOI issuance is accorded to ODP applicants who are not eligible for processing as immigrants, such as former re-education camp political prisoners, U.S. Government employees, Amerasians and others suffering political persecution and their immediate relatives. Refugee admissions will also be accorded to other special categories, including persons who, themselves, do not qualify as immigrants, but who are dependents of intending immigrants. Previously issued LOIs, however, remain valid.

In addition, we are in the process of reviewing files of former re-education camp political prisoners seeking to come to the U.S. under the ODP. As we review the files, we issue letters of introduction (LOI's) which are used in applying to the Vietnamese authorities for exit permission. We are first issuing LOI's to those who have spent at least six years in re-education prison camps. We will then move on to issuance of LOI's to other applicants who have served less time as political prisoners. We are using a minimum of six years in re-education prisons only as a processing guide for day-to-day work on LOI's. It is not a criterion for refugee eligibility. In keeping with the President's initiative, we have authorized admission of former political prisoners without reference to the length of time spent in re-education prisons and plan to continue to do so.

QUESTION FROM SENATOR SIMON

Orderly Departure Program

QUESTION 1: In your prepared testimony, you indicated that Secretary Shultz in the recent meeting in Singapore requested the ASEAN foreign ministers to use their influence with Hanoi to try to get the Orderly Departure Program back on track. Have there been any other Administration efforts in this regard? Specifically, what further actions can be taken by the Department to urge the Vietnamese government to resume the issuance of exit permits and thereby restore the crippled ODP Program to its full operation? Will the administration be making any efforts to explore the possibility of an ODP process in Laos?

ANSWER:

We are pleased that at the fifth round of technical talks held in Hanoi July 13-14, the Vietnamese agreed to allow resumption of interviews for applicants for the family reunification portion of the U.S. ODP. We have begun interviews again, using teams of U.S. consular and Immigration and Naturalization Service officers.

Since the Vietnamese suspended UNHCR interviewing in January 1986, the Department has worked to get the program back on track at the technical talks, and also at a higher level U.S./SRV meeting in November 1986 in Geneva following the annual UNHCR multilateral meeting on the ODP. In addition, senior U.S. officials who met with SRV representatives on POW/MIA issues urged resumption of ODP processing, and presented the text of a Concurrent Resolution passed by both houses of the Congress which called for full resumption of the program.

The July 13-14 talks did not include discussion of Amerasians, although we did raise this issue. The Vietnamese have since agreed, however, to meet with us in September to discuss departure of Amerasians. We are, of course, hopeful that mutually satisfactory arrangements for resumption of Amerasian processing will be worked out at the Hanoi meeting.

The President has appointed General John Vessey as a Presidential Emissary to Hanoi for POW/MIA and other humanitarian issues. In his visit to Hanoi August 1-3, General Vessey raised with the Vietnamese the processing of applications from Amerasians and political prisoners. We hope the SRV will be more responsive on these issues.

We have repeatedly requested that the Vietnamese issue exit permits and grant access to the program for 21,000 people of special humanitarian concern to the U.S. whose names have been presented to the SRV over a period of years and for the 60,000 people in Vietnam who are beneficiaries of current immigrant visa petitions. We have also repeatedly made representations on behalf of Amerasians and political prisoners in accordance with President Reagan's initiatives on behalf of these groups.

With regard to Laos, the U.S. remains deeply concerned about the fate of prisoners incarcerated in re-education camps by the Lao Government. Many of these prisoners previously served with the Royal Lao Government or were associated with the U.S. support for that government.

Some prisoners recently released from the camps have qualified for visas which have been issued by the U.S. Embassy in Vientiane. The U.S. continues to encourage the use of the normal, legal immigration channels for the departure of those

Lao who qualify. In light of our concern for those who have been imprisoned in Lao re-education camps, we will continue to review our admission procedures to see if they can be improved or expanded, including the possibility of an orderly departure-type program for Laos. We believe it would be premature at this time to speculate on what if any recommendations will result from this review.

Thai Assurances on Processing and Protection

QUESTION 2: With regard to your prepared testimony at page 4, what were the reassurances you received from the Thai government for their cooperation both on facilitating the continued processing of refugees for resettlement in the United States and on providing security and protection for vulnerable groups in Thailand?

ANSWER:

The Thai extended their so-called June 30 deadline for completion of refugee processing, and our Embassy has been permitted to continue interviewing eligible refugees at the first asylum camps. Although the Thai reserve the right to close in-camp processing at some time in the future, they have indicated that processing may continue so long as the ultimate offtake of refugees continues at an "acceptable" pace.

During our meetings with the ASEAN Foreign Ministers in Singapore, the ASEAN states renewed their commitment to generous first asylum for Indochinese refugees. Thai officials repeated that commitment in their discussions with me in Bangkok. The Thai also provided assurances that there would be no forced repatriation of refugees currently residing in Thai camps, but they have not yet provided evidence of real progress in allowing Highland Lao access to the Lao screening program. Neither has there been significant progress in providing improved security for the displaced Khmer in the border camps, although there has been no forced repatriation of displaced Khmer or of former residents of Khao-I-Dang.

Review of Denied Khmer

QUESTION 3: At page 13 of your prepared testimony, you stated that you will have a course of action to recommend shortly regarding the denied Cambodians in Khao-I-Dang. This has been the position of your office for almost a year. Can you state when that action might take place and who would be included?

ANSWER:

I intend to make a recommendation in the very near future. This is a very complicated problem on which I can make no determination by myself, but must seek the cooperation of other parties. I am taking into account the recommendations of the Ray Panel and the views of the INS, of members of Congress, of the voluntary agencies and of the refugees themselves.

Ration Card Holders at Khao-I-Dang

QUESTION 4: Is processing anticipated for ration card holders in Khao-I-Dang in the P-6 category?

ANSWER:

In deciding which groups of refugees we wish to process, we take into account not only our desire to have a generous admissions program and the need to help sustain first asylum, but also the need to encourage other countries to remain significantly involved in resettlement. The involvement of

other countries is illustrated by the fact that they have resettled more than 2,000 denied Khmer from Khao I-Dang. We want this to continue, and we believe that our decision to process P-1 through 5 Ration Card Holders both provides for generous U.S. resettlement -- based on ties to the U.S. -- and leaves the door open for meaningful resettlement by other countries. We are also mindful of the risks of creating a magnet effect. We will continue to monitor the situation at Khao I-Dang and, if conditions warrant, will consider an expansion of our processing. However, we believe we have made the right decision under present circumstances.

Khmer at Napho

QUESTION 5: What are the prospects for the Cambodians in Napho who arrived in Thailand by way of Laos?

ANSWER:

We are processing people in this group based on whether or not they would be eligible if they were in Khao I-Dang.

Boat Khmer

QUESTION 6: What are the prospects for the Cambodians in Phanat Nikhom who came by boat?

ANSWER:

We are presently examining the question of the boat Khmer to determine what action we might take.

Thailand's Lao Screening Program

QUESTION 7: You indicated that Thailand has been increasingly restrictive in allowing Lao asylum seekers access to its screening program. Since the effort began how many have been screened in and screened out? How is program being monitored by UNHCR and the United States? Why are the highlanders unwilling or unable to gain access to his process?

ANSWER:

The screening program began on July 1, 1985 as a result of a memorandum of understanding signed between the governments of Laos and Thailand. Since July, 1985 Thailand has screened out 2,121 asylum seekers from Laos, declaring them to lack bona fides as political refugees. Of the almost 5,200 persons screened in only a small percentage are highlanders. The disproportionately low number of highlanders is, we believe, due to a number of factors: 1) the screening system appears to work best and most efficiently in Nong Khai and Nakorn Phanom provinces, which are less likely to be entry points for highlanders; 2) many Hmong distrust the screening process and attempt to go directly to Ban Vinai camp where they enter illegally; 3) the Thai appear to screen in few Hmong, contending that most are active resistance elements and therefore not eligible for refugee status.

The UNHCR does not participate in the screening process, but monitors its implementation. UNHCR officers can and do appeal cases when individuals may have been improperly screened out. United States officials are not party to the screening system and we do not seek such a role. We do, however, raise individual cases with the UNHCR and appropriate Thai authorities when it appears such cases have been screened out unfairly.

The most dominant influence on the success of the Lao screening program, however, is the refusal of the government in Vientiane to accept the screened-out Lao back to Laos, despite its agreement in principle to do so two years ago.

Hmong at Nam Pun

QUESTION 8: What is the status of the 1,400 Hmong stranded on the Thai-Lao border near Nam Pun? We have received reports of malaria there. What is the current food and medical situation? What has the United States been doing to get Thai permission for feeding?

ANSWER:

The "Nam Pun Hmong" are not a single unified group, but an amalgamation of several smaller groups that were originally located in the Nam Pun area. Some of these groups have been in Thailand for several years. Others arrived more recently. Last summer, a large group of new arrivals communicated to Embassy Bangkok their desire to receive refugee asylum in Thailand. This prompted a number of representations on our part, particularly when it became evident that these Hmong were being denied access to the screening system. Our representations have focussed on three points: 1) that this group be assured of adequate food and medical care; 2) that those desiring refugee status be allowed access to the screening system to determine their bona fides as refugees; 3) that the U.S. is unalterably opposed to any attempts at forced repatriation. I reiterated these points in my high-level discussions with the Thai in June. The UNHCR has made similar representations.

To the best of our knowledge, all of the Nam Pun Hmong remain within Thailand, but only a few individuals have been admitted to the screening process for Lao refugees. Recently, part of the group encroached near Nam Pun and Thai authorities ordered them to move back toward the border. The group is still in Thailand, however. Thai officials have permitted only limited contacts between the main group, now encamped at Nam Fa, and outsiders. Thai refusal to permit greater access reflects concern that the bulk of the Nam Pun Hmong may be Lao resistance elements.

A UNHCR field officer personally visited the group on several occasions last fall to deliver much-needed food supplies. UNHCR's Chief Delegate in Bangkok visited the town of Nam Pun during the same period to check on the situation and to urge local Thai authorities to permit greater access. Subsequently an officer from our Consulate General in Chiang Mai, escorted by local Thai officials, visited the major Nam Pun group, and in March an officer from Embassy Bangkok was permitted to visit one of the smaller splinter groups. Officers from Washington and the Embassy have met representatives from the group in Nam Pun on several occasions. In recent months, however, direct contact with the groups by either UNHCR or US Embassy officers has generally been denied by Thai authorities.

One serious issue of concern regarding the Nam Pun Hmong has been their health and physical well-being. The officer from the US Consulate in Chiang Mai found during his visit that the group then had food and medical supplies, but that reserves were low and the group would suffer severely if any cutoff occurred. The Embassy Officer who visited the small splinter group in April (who has post-graduate degrees in public health and tropical medicine) assessed nutritional levels of all children under five, tested for malaria, and assessed water/sanitation conditions. One case of slight malnutrition was observed. All lab tests were negative. Fresh water was readily available, and sanitation was deemed adequate.

No formal mechanism has yet been worked out for the supply of food and medicine, although we continue to work with private voluntary agencies who believe they might be able to make suitable arrangements acceptable to the Thai. Informal mechanisms of supply continue to function. Absent any regular

contact with the Nam Pun/Nam Fa groups we are not in a position to monitor their overall condition. We have repeatedly urged Thai authorities to permit regular international access to the area.

Vietnamese in Hong Kong

QUESTION 9: More than half of the 8000 Vietnamese in Hong Kong have lived in camps for more than four years. Are any special initiatives being considered to find a solution to their predicament?

ANSWER:

The U.S. is deeply concerned about the Indochinese refugee populations in Southeast Asia and the particular problems of Hong Kong. At the ASEAN meeting in June 1987 the U.S. Government recognized the burden of refugees on countries of first asylum, and reaffirmed its commitment to work with first asylum countries through to a resolution of the refugee problem in Southeast Asia.

The U.S. approves and resettles applicants from Hong Kong who are eligible for the U.S. program, and this will remain our policy. We will continue to work with UNHCR and Hong Kong in seeking ways to resolve the ongoing refugee issues there.

Land Vietnamese

QUESTION 10: What is the security situation for the Vietnamese on the Thai-Cambodian border? Is P-6 processing available for this group, particularly those who have been there for two years or more?

ANSWER:

About 3,600 land Vietnamese remain in a separate section of Site Two South. INS continues to process all land Vietnamese in priorities 1-5. In the past few months we have begun processing P-6 category land Vietnamese. To expedite this process and to ensure the timely review of other refugee cases, INS has assigned additional officers to the field. This special allocation of resources is undertaken because we recognize the special dangers faced by the land Vietnamese population in their exposed border location.

Living conditions for the land Vietnamese are much improved compared to their previous location; camp leaders appear satisfied. Nonetheless, given traditional Vietnamese-Khmer animosity, we remain concerned that the land Vietnamese at Site Two are at greater risk than the Khmer population.

We are disappointed that the Thai Government has not acceded to our requests to move this vulnerable population to a safer location such as the camp at Phanat Nikhom, despite previous assurances that it would do so. I raised this matter with Thai officials during my June visit to Thailand. The Thai remain non-committal but we will continue our efforts to urge transfer of the land Vietnamese.

Push-Offs in Indonesia

QUESTION 11: Are incidents of forcing Vietnamese boat refugees approaching Indonesia back to sea being investigated? What has the United States been saying to Indonesia on this matter?

ANSWER:

In response to a formal demarche made by the UNHCR, high level Indonesian government officials have repeated assurances that there has been no change in the government's stated policy

of offering first asylum to Vietnamese boat refugees. Indonesian officials have repeated these assurances to U.S. Embassy officers. While no GOI officials acknowledged the specific allegations of pushoffs brought to their attention in the UNHCR demarche, some did accept that local officials or commanders may have undertaken such acts without authorization. GOI officials undertook to assure that these officials were made aware of the government's policy on first asylum. The Embassy continues to stress U.S. support for the government of Indonesia's policy on first asylum and stands ready to follow up vigorously any future allegations of pushoffs.

U.S.G. Staffing for Anti-Piracy Programs

QUESTION 12: How many staff are currently assigned to anti-piracy efforts here in the Bureau of Refugee Programs and in Thailand? What are your staffing plans for this program in Fiscal Year 1988 and 1989?

ANSWER:

The Bureau has one officer in Washington assigned to anti-piracy efforts and two officers in Thailand. It is planned that this staffing level will be maintained in FY 88 and 89. The Bureau also funds 40 percent of the UNHCR anti-piracy program in Thailand, which includes two full-time expatriate officers, five Thai local field officers, and support staff.

The anti-piracy program has reported notable success in recent months. Even while the number of arrivals in Thailand of Vietnamese boat refugees has risen substantially this year, piracy attacks have diminished. Of boats arriving in South Thailand, the area where most attacks have traditionally occurred, 20 boats were attacked in the first five months of 1987, compared to 34 boats in the same months of 1986. There have been no deaths due to piracy so far in 1987, compared to 17 last year. There are also indications that Thai fishermen have been more willing to assist refugee boats in distress. We believe that much of this improvement can be attributed to the RP-funded anti-piracy program, and particularly to the effectiveness of our anti-piracy advisors in Thailand.

RASRO and DISERO Programs

QUESTION 13: How many commercial ships rescued refugees this past fiscal year and from how many countries are they? How many refugees were saved? Are these figures higher or lower than in previous years? What is being done to educate the maritime community about the Refugee at Sea Resettlement Offers (RASRO) and Disembarkation Resettlement Offers (DISERO) programs?

ANSWER:

In calendar year 1986, 34 ships from eight countries rescued 1,249 refugees under the RASRO program. This compares to 44 ships from eight countries and 1,352 refugees in CY 1985. Under the DISERO program 13 ships rescued 375 refugees in 1986, as compared to 21 ships and 507 refugees in CY 1985. The number of countries the ships represent is not reported in the DISERO program. In total, including other rescues not included in either of these programs, 55 ships rescued 2,591 refugees in 1986 compared to 87 ships and 2,890 in 1985. Both the number of ships and the number of refugees rescued fell in 1986. In 1986, UNHCR worked directly with ship owners to promote the RASRO and DISERO programs. It published a booklet called Guidelines for the Disembarkation of Refugees to encourage ship captains undertake rescues at sea by describing the programs and procedures to follow.

Modifications to Refugee Act

QUESTION 14: What are your views on Doris Meissner's recommendation to propose a modification to the Refugee Act which would create a special legal humanitarian status for people who fall between refugee and immigrant statuses?

ANSWER:

Ms. Meissner's analysis is fundamentally correct: there is a gap in our law between the refugee admission category and the immigrant visa categories. She correctly points out that the Refugee Act of 1980 sought to restrict the use of humanitarian parole to its original function of providing temporary entry for emergent or public interest reasons. The Attorney General's humanitarian parole authority may be used for certain individual cases, but it is not appropriate for groups of persons of concern to the United States.

We agree that there may well be occasions when it is in our national interest to admit, for reasons of humanitarian concern or compelling foreign policy, groups of persons who do not fit within the refugee category. The Administration believes this concept, which has been set forth from time to time, merits further examination now. One central issue requiring careful consideration is the question of the eligibility of such persons for federally-funded benefits similar to those available for refugees. We will be pleased to work on this subject with Ms. Meissner and other proposing parties and with the interested Congressional committees.

Anchor Research Doesn't Track (ARDT) Cases

QUESTION 15: The issue of ARDT (Anchor Research Doesn't Track) cases has been brought to my attention by several refugee organizations including the Cambodian Humanitarian Organization of America. In these 200-300 cases, where a major discrepancy exists between information given by refugees in camps in Thailand and information given by their U.S. relatives, applications are denied by adjudicating officers on the basis of false claims of relationships. It is my understanding however that the conflicting information and lack of credibility presented at the interviews by the refugees can equally be attributable to the stress and anxiety they experience during the interviews and their fear of being rejected. Are there different approaches in the refugee screening program or different criteria in the review process which can be considered in order to rectify the current system which is often inadequate and arbitrary to be effective in helping the refugees to reunite with their United States relatives?

ANSWER:

Before presenting a case to the INS for interview, Joint Voluntary Agency (JVA) representatives carefully compare evidence of relationship provided by the refugee applicant with that given by the anchor relative in the U.S. Every effort is made by the JVA to resolve family composition discrepancies prior to interview. Some cases in which questions about the family relationships remain are presented to INS. Often the contradictions are convincingly explained at the time of interview. Occasionally, however, factual discrepancies cannot be resolved.

INS officers are sensitive to the fact that refugee applicants may be nervous and inarticulate during the

interview. With that awareness in mind, the officers must determine the credibility of an applicant's claim. Under Section 212(a)(19) of the INA, persons who commit fraud or willful misrepresentation to obtain an immigration benefit are inadmissible and thus ineligible for refugee status unless a waiver is obtained. However, the Worldwide Guidelines for Overseas Refugee Processing instruct officers that, due to the difficult circumstances of the refugee experience, if an applicant admits he has fabricated a story but is qualified as a refugee on another basis, Section 212 (a)(19) will not apply.

Cases which have been denied because of family relationship discrepancies may be reconsidered if additional information later becomes available.

Unaccompanied Minors

QUESTION 16: At page 14 of your prepared testimony on the subject of unaccompanied minors, you indicate that you are working closely with INS to ensure that this problem receives special attention. What response and progress have you had with INS on this important and delicate matter? As to the larger issue, what is the Administration doing to address the root causes of the refugee flow?

ANSWER:

The Department of State and INS continue to work closely on all matters concerning unaccompanied minors. Both agencies consider unaccompanied minors to be a group of particular humanitarian concern, deserving of our special attention.

We are very concerned for this particularly vulnerable group among the refugee population, which should not be left to languish in camps for long periods. Our admissions policy for unaccompanied minors is therefore broader than our policy for the overall refugee population. Specifically, we continue to accept for resettlement 100% of unaccompanied minors with close family links to the U.S. and 50% of those without such links.

At the same time, we are urging UNHCR to be more aggressive about presenting unaccompanied minors to other resettlement countries. We also make representations ourselves to the other major resettlement countries encouraging them to accept more from this group.

As to the root causes of the refugee flow, the Department of State has been making every effort to revive the Orderly Departure Program, interviews for which were suspended by the Vietnamese authorities in January 1986. We are happy to report that, at the most recent ODP technical talks, in Hanoi July 13-14, Vietnam agreed to resumption of interviews. This is encouraging for the future of refugee departures, since a fully functioning ODP provides people with a safe, legal alternative means of departure.

AIDS and Refugees

QUESTION 17: At pages 15 and 16 of your prepared testimony you discuss the issue of AIDS and your interagency working group. Has the working group considered whether fears raised in first asylum countries about this issue will make refugee resettlement more difficult there? If so, what steps can be taken to alleviate those fears? What steps are being planned to implement mandatory testing?

ANSWER:

The potential reaction of first asylum countries to the issue of AIDS testing for refugees is of major concern to me. It has been intently addressed at interagency meetings throughout the summer, as the Administration has worked to prepare the guidance necessary to implement properly overseas AIDS virus testing for immigrants and refugees.

We do not know exactly what the consequences will be due to a U.S. testing requirement for refugees to be resettled here, but we are certainly aware of the possible threat in situations where the willingness to provide first asylum is already tenuous. We are working to ensure that the mechanisms created for AIDS testing are flexible enough to allow us to apply them fairly and effectively to the very different refugee situations and processing procedures which exist.

Leadership at Embassy Bangkok

QUESTION 18: It has been reported to me that part of the difficulty in reaching solutions to the refugee issues you have described and I have raised may be attributable to the failure of our mission in Bangkok to take a firm leadership position. What steps can be taken to ensure that our mission in Bangkok responds more effectively to refugee concerns?

ANSWER:

There is continued commitment and or interest in refugee issues on the part of Embassy Bangkok. Embassy reporting and activism on refugee issues has been extremely valuable. The Embassy has a wide range of complex and priority interests with the Thai on which it must continuously deal. The nature of diplomatic discourse requires that we maintain a certain degree of confidentiality in our discussions with the Thai, and the lack of public comment in certain instances concerning refugee issues should not be misconstrued as a lack of leadership or a lack of interest in these matters. The Thai government is well aware of our concern for Indochinese refugees and our policy that they be treated humanely.

U.S.G. Refugee Policy Priorities

QUESTION 19: I have noticed that the Office of Refugee Affairs has tended to take a much more cautious line on first asylum issues than has the Secretary of State, particularly in view of the latter's ASEAN trip. How do you explain this fairly clear difference in priorities of the Office of the Secretary of State and the Office of Refugee Affairs?

ANSWER:

I am sorry but I do not know what you are talking about. There is no difference whatsoever in the policies or priorities on first asylum, or any other refugee issues, between the Secretary of State and the Bureau for Refugee Programs. Our prepared testimony for the June 30 hearing makes this clear. It may be significant to note that I accompanied Secretary Shultz to the recent Singapore meetings with the ASEAN foreign ministers, where we both participated in all discussions concerning Indochinese refugees.

SENATOR SIMON FOR COMMISSIONER NELSON

Modification to Refugee ActQUESTION 1:

What are your views on the proposal by Doris Meissner to modify the Refugee Act to create a special legal humanitarian status to people who fall between refugee and immigrant status? What would be the immigration distinctions between a Class I and Class II refugee? What department is best equipped in the Administration to designate Class II refugee and otherwise operate the program?

ANSWER:

Doris Meissner's recommendation to create a special humanitarian status appropriately addresses the lack of relief available to persons of special concern to the United States who currently qualify for neither refugee nor immigrant status. This gap can be filled only through legislative amendment.

Ms. Meissner correctly points out that the Refugee Act of 1980 sought to restrict use of parole to its original function of providing temporary entry for emergent or public interest reasons. The parole program for border Khmer was created in response to a unique set of circumstances to fill a compelling humanitarian need. It would not be appropriate to expand parole authorization to meet the requirements of other populations. We would, however, support an examination of additional programs to supplement existing refugee legislation.

The Service is currently studying this proposal to decide what immigration distinctions, if any, should exist between the two refugee classes.

INS historically has been the agency designated to make determinations of humanitarian and refugee status. For purposes of administrative continuity and decision consistency, we would suggest INS be charged with status determination and that the program be jointly managed with the Department of State, in parallel with the present refugee program.

Humanitarian ParoleQUESTION 2:

In 1985, the Secretary of State commissioned an independent panel headed by former Governor Robert Ray to study the Indochinese Refugee situation. After extensive research, the Ray Panel made 44 specific recommendations. One of these recommendations was that the family reunification cases be processed as immigrant cases and thus be moved in a more expeditious manner. The panel specifically supported extensive use of humanitarian parole "to overcome unusual hardships."

In the report on Proposed Refugee Admissions and Allocations for Fiscal Year 1987, the Office of the United States Coordinator for Refugee Affairs reported that the Immigration and Naturalization Service (INS) has "agreed to a generous use of parole for family reunification among the Khmer border and Khao-I-Dang population". It is my understanding, however, that the majority of humanitarian parole cases presented to you were rejected.

On March 3, 1986, for example, the case of Neang Sorn was presented to INS officers and rejected within two weeks. She is a 12 year old orphan very ill whose only known relatives (a sister and maternal uncle) live in the U.S. If she does not

fit the profile of an individual eligible for humanitarian parole, then who does? How many humanitarian parole cases were rejected as of June 30, 1987? How many were approved? How many were pending?

ANSWER:

Of the 383 requests for humanitarian parole we have received through July, 179 were approved and 13 were denied. We are awaiting access and interviews for the additional 191 cases. The most serious impediment in the program has been the Thai reluctance to release applicants from either Site II or Khao-I-Dang. Due to a severe access request problem, we have been unable to institute the kind of priority system we would prefer.

Thus far, only 82 of the approved cases have moved to the US, due to the continuing problem of access even after parole has been approved. There are currently 97 cases pending movement. At this point, 191 persons are approved and waiting movement to the U.S.

Even after approval, there are long and complicated arrangements that must be coordinated with the Thai government to move the individuals from their camp to an out-processing station and then to the U.S. We expect more persons to move under this program in the future. However, we must depend on relatives or other interested parties to file the parole request. Also, we must depend on the cooperation of the Thai government to permit access to the camps.

In the particular case of Neang Sorn, she was approved for humanitarian parole under "Group 3" guidelines. She was moved to Phanat Nikhom on April 8, 1987, and out-processing commenced.

EVD for Poles

QUESTION 3:

How many Polish people are on Extended Voluntary Departure (EVD) status as of June 30, 1987? How many were deported since the beginning of 1982? How many were "required to depart"? What is the asylum denial rate for Poles for Fiscal Years 1986 and 1987? What efforts are underway by the Administration for an administrative resolution of the uncertain status of Poles on EVD? In the absence of administrative action, what are your views on legislation granting Polish refugees permanent status?

ANSWER:

Statistics on the number of people in EVD status are not routinely collected. A survey was completed on January 23, 1985, at which time 6,951 Poles were in EVD status. No more recent survey has been conducted.

In Fiscal Years 1982 through 1986, 44 Poles were deported; eight Poles were deported during the first seven months of Fiscal Year 1987.

In Fiscal Years 1982 through 1986, 1,500 Poles were required to depart; 39 Poles were required to depart during the first seven months of Fiscal Year 1987.

In Fiscal Year 1986, the asylum denial rate for Poles was 50%; the denial rate in Fiscal Year 1987 through the month of May was 39%.

Poles in EVD status are encouraged to apply for any benefits for which they may be eligible in order to resolve their status. Many in EVD status entered the U.S. prior to January 1, 1982, and are eligible to apply for legalization. Others could apply for asylum. Some Poles may qualify for immigrant status based on family relationship or occupational preference.

We are currently studying HR 2692, a bill introduced by Congressman Lipinski that would grant permanent residence to Poles in EVD status. The Department of Justice authorized extension of the June 30, 1987, deferred departure date to December 31, 1987.

QUESTION FROM SENATOR SIMON FOR DIRECTOR GEE

Refugee Women

QUESTION 1: It has been estimated that half of the refugees resettled in the U.S. are female. The UNHCR Division of Refugee Law and Doctrine issued guidelines setting out objectives for the international protection of refugee women and some ways and means to achieve them. They call for the direct involvement of protection and assistance programs. How are the strengths and special needs of refugee women taken into account in the Office of Refugee Resettlement's overall program design, state planning requirements and discretionary funding decisions? I am informed that refugee women leaders made a series of recommendations to your office last year on these issues. What, if any, actions have been taken to address these concerns?

ANSWER:

We were not formally approached by refugee women leaders last year. However, a report on the Indochinese Community Leadership Convention, issued in August 1986 by the Indochina Resource Action Center, includes a section on "Women's Programs." ORR's initiatives with respect to refugee women relate to some of the recommendations contained in that report.

For Fiscal Years 1987 and 1988, the Office of Refugee Resettlement (ORR) has determined refugee women, particularly those women who are homebound, widowed, and/or single heads of households, to be a major priority in the development of special discretionary program initiatives.

As recently as a few months ago, ORR developed, in conjunction with the ACTION agency, a joint demonstration program for refugee women in eight local communities throughout the country. This initiative will utilize VISTA volunteers to help refugee women with special needs to access refugee-specific and other community-based services.

Based on the availability of funds in FY 1988, ORR will be seriously considering making grant funds available to non-profit organizations to encourage more outreach to refugee women with special needs to ensure that they are not overlooked in the delivery of refugee-specific and mainstream social services.

In general, refugee women constitute a high percentage of clients in services. The primary impediment to their participation results from AFDC rules in States which have an Unemployed Parent Program. In these cases, it is usually the male parent who is considered the principal earner and hence is the "mandatory" participant for employment services. Because of this, ORR has promoted the concept of "family case management" to assure that all employable members of a household are involved in a plan for the self-sufficiency of the family unit. ORR has funded several demonstrations of family-case-management/multiple-wage-earner strategies with mixed results. A major new effort is being planned in Minnesota with Hmong refugee families.

QUESTION FROM SENATOR SIMPSON FOR THE COORDINATOR

Encouraging Refugees to Become Citizens

QUESTION 1: What is being done to educate and encourage refugees here in America to become U.S. citizens? Do you have a specific program in place for this purpose?

ANSWER:

The Outreach Section and the Refugee, Asylum and Parole Unit of the INS, conduct workshops in six cities with high refugee populations which were specifically targeted to Mutual Assistance Agencies and others who work with refugees. These workshops discussed current refugee situations, and the process for filing immigration petitions for relatives.

In addition, INS has ongoing workshops throughout the U.S. which deal with the topics of naturalization, immigration benefits and eligibility criteria. Voluntary Agencies and Mutual Assistance Associations are the primary audiences for this training, so that they may help eligible refugees and immigrants to apply for these benefits.

QUESTION FROM SENATOR SIMPSON FOR COMMISSIONER NELSON

Circuit riders

QUESTION 1: I noted in your testimony that you feel the INS can handle refugee applications swiftly enough in areas of the world where you only have "circuit riders". Consular officers, arguably, might be influenced by "foreign policy" factors when adjudicating a refugee application--particularly when a geographic bureau in the department has a strong policy favoring admission of certain refugees. Do you believe that the INS faces the same "dual agenda" problem when adjudicating refugee applications?

ANSWER:

Certainly not. The INS is not involved in the conduct of foreign policy. While the refugee provisions of the law may be somewhat unique, they are none the less statutory provisions. All INS officers assigned to overseas posts have had considerable training and experience in the adjudication of petitions and applications for all types of benefits under the law. Their decisions have been consistent, temperate, and unbiased by any consideration other than the correct application of the law.

Many junior Foreign Service officers are performing a required consular rotation before being assigned positions in their cone areas of political or consular affairs. Consular officers often have the duty of reporting descriptions by visa applicants of conditions in countries of interest to the U.S. in which we have no diplomatic missions. INS officers are not charged with such "dual agenda" functions.

Private Sector 4000

QUESTION 2: You mentioned in your testimony the 4,000 numbers reserved for "unanticipated refugee admission needs," and previously mentioned before this committee that it might be privately financed. Have any such "unanticipated" admissions occurred, and is any private financing available today?

ANSWER:

Last year, a new concept of a 4,000 persons unallocated reserve was suggested to Congress as a way to increase opportunities for legal admissions while at the same time keeping in mind that there are limited resources available for assisting refugees.

The INS has been assisting the Coordinator's Office in developing a plan to implement the privately financed 4,000 admissions. To date, however, no plan has been finalized. We have pledged our full support of the private sector program.

QUESTION FROM SENATOR MIKULSKI
ADDRESSED TO AMBASSADOR MOORE

Interview in The Bridge

QUESTION: You stated recently in an article in The Bridge that the "numbers are going to go down" for Indo-Chinese refugee admissions for the next year. This statement directly contradicts Secretary Shultz's statement during his recent ASEAN visit regarding United States commitment to resettlement. This resettlement commitment, as you know, is crucial to the preservation of first asylum in the region. Which statement accurately reflects the position of the United States?

ANSWER:

There is no contradiction between the U.S. statement at the ASEAN foreign ministers' conference and my interview in "The Bridge." Secretary Shultz told the ASEAN foreign ministers:

"I want first to reassure you that the commitment of the United States to resolving the Indochinese refugee problem is as strong today as it has ever been; and second to urge all of you to reaffirm your own commitment to that same goal. It has become clear to all of us that the refugee problem in this part of the world is an enduring one, and we must realize that solving it will be a long-term process for all of us.

"For our part, we will continue to resettle refugees in substantial numbers. We will continue our financial and moral support of those organizations which provide protection and assistance to refugees and displaced persons in the region. We will encourage other countries to maintain their share of the resettlement effort as we work to find lasting solutions which will make resettlement itself less necessary. But just as donor nations must reconfirm their commitment to humanitarian aid to refugees, first asylum states must reconfirm their commitment to humanitarian treatment of all seeking asylum. Those countries which have screening and repatriation agreements already in place should make every effort to make them function effectively and humanely, with the continued involvement of UNHCR."

The phrase "substantial numbers" is important; the overall message is the continuing commitment of the United States, in the context of the international search for long-term solutions to the Indochinese refugee problem.

My interview in "The Bridge" (Spring 1987) also explicitly reconfirms the U.S. commitment. My statement that admission numbers for FY 1988 "are going to go down" did not indicate that they would go down drastically and was made in the face of reductions in Indochinese admissions which had already taken place for FY 1987 from FY 1986. Moreover, my statement was a prediction -- not a recommendation or a statement of Administration policy. On the contrary, my comments placed the refugee admissions question in the context of the totality of U.S. Government decision-making processes, including both the consultations process with Congress and the budget process. I cited three reasons for my prediction:

- (1) the flow of refugees is diminishing;
- (2) in terms of the overall priorities of the U.S. Government, over time there must be a decline from emergency levels;
- (3) budgets: there is less money to spend.

I was trying to call attention to reality.

QUESTION FROM SENATOR MIKULSKIFY 1987 Refugee Admissions from Southeast Asia

QUESTION 1: What are the projected admission numbers for Indochinese refugees for this fiscal year?

ANSWER:

We currently estimate that Indochinese first asylum admissions for this year will be in the neighborhood of 30,800.

ODP refugee admissions will be 8,500.

QUESTION 2: What is the projected carryover of Indochinese refugees to FY-88? How can approximately 27,000 Indochinese refugees be admitted in FY-88 if the carryover is less than about 10,000? What special measures will be invoked to bring this total to about 10,000?

ANSWER:

We are aware of the importance of a sufficiently large carry-over and have been working to bring it about. We expect the carry-over to be around 10,000. This will result from our current processing of Lowland and Highland Lao, land Vietnamese, and some Khmer in Thailand, as well as boat Vietnamese in all Southeast Asia posts. This is made possible by INS's assignment of six temporary officers to Thailand.

Rejection Rates

QUESTION 3: What have the INS rejection rates been for refugees from Laos, Vietnam, and Cambodia over the last 12 months?

ANSWER:

FOR FISCAL YEAR 1987 (10/86-4/87):

<u>COUNTRY</u>	<u>NUMBER INTERVIEWED</u>	<u>% APPROVED</u>	<u>% DENIED</u>
Laos	14,789	75	25
Vietnam	13,272	87	13
Cambodia	1,207	67	33

FOR FISCAL YEAR 1986

<u>COUNTRY</u>	<u>NUMBER INTERVIEWED</u>	<u>% APPROVED</u>	<u>% DENIED</u>
Laos	15,526	87	13
Vietnam	20,870	93	7
Cambodia	2,992	70	30

Processing Various Ethnic Groups in Southeast Asia

QUESTION 4: In the next few months, what efforts will be made to focus on the following Indochinese subgroups:

- a. Land and boat Khmer at Napo and Phanat Nikom?
- b. Land Vietnamese (including all through P-6 who have been there for more than two years)?
- c. P-6 ration card holders and denied Khmer?
- d. Boat refugees in Hong Kong and elsewhere?

ANSWER:LAND AND BOAT KHMER

We are now processing Khmer at Na Pho. We are presently examining the question of boat Khmer to determine who among them we might process.

LAND VIETNAMESE

We continue to process land Vietnamese. We recently expanded from our previous P-1 through 5 processing to include P-6 category cases. We will also continue to monitor the situation of the land Vietnamese.

P-6 RATION CARD HOLDERS, AND DENIED KHMER

With regard to P-6 Ration Card Holders, in deciding which groups of refugees we wish to process, we take into account not only our desire to have a generous admissions program and the need to help sustain first asylum, but also the need to encourage other countries to remain significantly involved in resettlement. The involvement of other countries is illustrated by the fact that they have resettled more than 2,000 denied Khmer from Khao I-Dang. We want this to continue, and we believe that our decision to process P-1 through 5 Ration Card Holders both provides for generous U.S. resettlement -- based on ties to the U.S. -- and leaves the door open for meaningful resettlement by other countries. We are also mindful of the risks of creating a magnet effect. We will continue to monitor the situation at Khao I-Dang and, if conditions warrant, will consider an expansion of our processing. However, we believe we have made the right decision under present circumstances.

I will announce my recommendations regarding the denied Khmer in the near future.

BOAT REFUGEES IN HONG KONG AND ELSEWHERE

We will continue to process boat refugees throughout the region, and to work with UNHCR and other resettlement countries to ensure the continuation of other countries' resettlement programs. Our objectives are to maintain a generous resettlement program, without attracting even greater numbers of refugees, and to ensure the maintenance of first asylum.

QUESTION 5: What specific measures have been taken, will be taken, or are being considered to address protection problems affecting Cambodians, Lao, and Hmong currently in Thailand?

ANSWER:Cambodians

The United States continues actively to pursue means of improving protection for all refugees and asylum seekers in Thailand. Our efforts include ongoing discussions with the relevant international organizations as well as with Thai authorities. We are currently encouraging the ICRC to expand its delegate presence at the Thai-Cambodian border and have indicated US willingness to fund an augmented ICRC presence at the border. Through UNBRO we have supported specific security-related projects such as the provision of improved communications equipment. UNBRO recently contracted security specialists to evaluate what further logistical support might enhance internal security at the border encampments. We anticipate that this study will result in further UNBRO proposals which the US might be able to support.

Pending proposals which we have been pursuing with the Thai government and international organizations include:

Legal Markets in Site Two: Unlike Site B or Site E, where internal security is good, Site 2 does not have a legal market. Much of the criminal violence that occurs at Site Two is attributable to black market activities, arising out of the need for unauthorized trips outside the camp to buy, sell, or trade items. The RTG is actively pursuing the market proposal, and is currently evaluating whether a cooperative based on the Site B model could be replicated at Site Two.

Expatriate Presence at Site Two Overnight: This limited and admittedly symbolic step would help underline international concern on protection. UNBRO previously proposed this idea in the form of joint Task Force 80/Khmer/IO patrols. The RTG has been reluctant to accept the joint patrol concept but has agreed in principle to an overnight international presence. We have encouraged ICRC and UNBRO to respond positively.

Strengthening Khmer Guards: Task Force 80 is theoretically a Thai perimeter guard force. Khmer must assume some responsibility for internal policing at Site Two, as is done at Site B and Site E. Until now, Site Two's size, factionalism and a lack of incentive undercut coordinated policing of the encampment. We have proposed to the Thai that Khmer guards could be better equipped (with handheld radios, police truncheons and possibly small arms). The Thai have responded positively on improved communications equipment for Khmer guards but are less enthusiastic regarding arms.

Freer Movement Among Camps: Attempts at surreptitious transfer from Site Two to Site B and vice versa have caused problems which could be alleviated through more routine transfers between these camps. Recently a large exchange was arranged between the encampments and we are hopeful that regular transfers will continue in the future.

Improving KPRLF Discipline: We have urged the RTG to permit regular ICRC visits to the border points of Chamkar Kor and Nong Chan to prevent repeat of the extortion racket that originated at those locations. We have applauded Thai pressure on KPRLF leaders to demand cessation of extortion.

Task Force 80: We have also requested Thai attention to improving the quality of Task Force 80. The Thai have changed command personnel for that group and, according to several reports, discipline is somewhat improved. The Bureau for Refugee Programs has explored the possibility of contributing in some fashion to improve training of TF-80 personnel, but it has been determined that legal restrictions would prohibit using refugee relief funds for this purpose.

We should note that the two shelling incidents at Site Two this year again underscored the most serious protection threat to the border encampments, i.e. their vulnerability to Vietnamese shelling and attack. The US continues to urge the Khmer camp leadership, the ICRC, UNBRO and the Thai authorities to make further efforts to separate civilians from combatants at the border encampments so as to reduce a possible pretext for Vietnamese attack.

Lao/Hmong

The most serious protection issue for both Lao and Hmong asylum seekers is their access to the Thai screening system which distinguishes bona fide political refugees from economic migrants. We support the UNHCR in its work with RTG officials on procedures to ensure equitable implementation of the guidelines all along the border and with the LPDR to permit the safe return of those not granted asylum.

Available statistics indicate that highlanders make up a disproportionately low number of those considered under the screening system. We have cited these figures and a number of reports of pushbacks (both confirmed and unconfirmed) in raising our concern with the Thai government that officials in remote areas of Thailand may have forced back highlanders seeking refuge in Thailand. It is important to note, however, that many Hmong are active in the Lao resistance and resistance forces, and are automatically excluded from the screening process by the Thai.

Lao Screening Program

QUESTION 6: What is the status of screening for Hmong and Lao? Why have so few Hmong entered?

ANSWER:

The screening program began on July 1, 1985 as a result of a memorandum of understanding signed between the governments of Laos and Thailand. Since July 1985, Thailand has screened out 2,121 asylum seekers from Laos, declaring them to lack bona fides as political refugees. Of the almost 5,200 persons screened in only a small percentage are highlanders. The disproportionately low number of highlanders is, we believe, due to a number of factors: 1) the screening system appears to work best and most efficiently in Nong Khai and Nakorn Phanom provinces which are less likely to be entry points for highlanders; 2) many Hmong distrust the screening process and attempt to go directly to Ban Vinai camp where they enter illegally; 3) the Thai do appear to screen in fewer Hmong, contending that most are active resistance elements and therefore not eligible for refugee status.

The UNHCR does not participate in the screening process but monitors its implementation. UNHCR officers can and do appeal cases when individuals may have been improperly screened out. United States officials are not party to the screening system and we do not seek such a role. We do, however, raise individual cases with the UNHCR and appropriate Thai authorities when it appears such cases have been screened out unfairly.

The most dominant influence on the success of the Lao screening program, however, is the refusal of the government in Vientiane to accept the screened-out Lao back to Laos, despite its agreement in principle to do so two years ago.

Lao Screening Program

QUESTION 7: Why has the group of Hmong at Nam Pun not been allowed international feeding support, access to screening, or any monitoring visitation by outsiders?

ANSWER:

The "Nam Pun Hmong" are not a single unified group, but an amalgamation of several smaller groups that were originally located in the Nam Pun area. Some of these groups have been in Thailand for several years. Others arrived more recently. Last summer, a large group of new arrivals communicated to Embassy Bangkok their desire to receive refugee asylum in Thailand. This prompted a number of representations on our part, particularly when it became evident that these Hmong were being denied access to the screening system. Our representations have focussed on three points: 1) that this group be assured of adequate food and medical care; 2) that those desiring refugee status be allowed access to the screening system to determine their bona fides as refugees; 3) that the U.S. is unalterably opposed to any attempts at forced repatriation. I reiterated these points in my high-level discussions with the Thai in June. The UNHCR has made similar representations.

To the best of our knowledge, all of the Nam Pun Hmong remain within Thailand, but only a few individuals have been admitted to the screening process for Lao refugees. Recently, part of the group encroached near Nam Pun and Thai authorities ordered them to move back toward the border. The group is still in Thailand, however. Thai officials have permitted only limited contacts between the main group, now encamped at Nam Fa, and outsiders. Thai refusal to permit greater access reflects concern that the bulk of the Nam Pun Hmong may be Lao resistance elements.

A UNHCR field officer personally visited the group on several occasions last fall to deliver much-needed food supplies. UNHCR's Chief Delegate in Bangkok visited the town of Nam Pun during the same period to check on the situation and to urge local Thai authorities to permit greater access. Subsequently an officer from our Consulate General in Chiang Mai, escorted by local Thai officials, visited the major Nam

Pun group, and in March an officer from Embassy Bangkok was permitted to visit one of the smaller splinter groups. Officers from Washington and the Embassy have met representatives from the group in Nam Pun on several occasions. In recent months, however, direct contact with the groups by either UNHCR or US Embassy officers has generally been denied by Thai authorities.

One serious issue of concern regarding the Nam Pun Hmong has been their health and physical well-being. The officer from the US Consulate in Chiang Mai found during his visit that the group then had food and medical supplies, but that reserves were low and the group would suffer severely if any cutoff occurred. The Embassy Officer who visited the small splinter group in April (who has post-graduate degrees in public health and tropical medicine) assessed nutritional levels of all children under five, tested for malaria, and assessed water/sanitation conditions. One case of slight malnutrition was observed. All lab tests were negative. Fresh water was readily available, and sanitation was deemed adequate.

No formal mechanism has yet been worked out for the supply of food and medicine, although we continue to work with private voluntary agencies who believe they might be able to make suitable arrangements acceptable to the Thai. Informal mechanisms of supply continue to function. Absent any regular contact with the Nam Pun/Nam Fa groups we are not in a position to monitor their overall condition. It is for this reason we have repeatedly urged Thai authorities to permit regular international access to the area.

Push-offs in Indonesia

QUESTION 8: What is being done to investigate and prevent boat refugee pushoffs in Indonesia?

ANSWER:

In response to a formal demarche made by the UNHCR, high level Indonesian government officials have repeated assurances that there has been no change in the government's stated policy of offering first asylum to Vietnamese boat refugees. Indonesian officials have repeated these assurances to U.S. Embassy officers. While no GOI officials acknowledged the specific allegations of pushoffs brought to their attention in the UNHCR demarche, some did accept that local officials or commanders may have undertaken such acts without authorization. GOI officials undertook to assure that these officials were made aware of the government's policy on first asylum. The Embassy continues to stress U.S. support for the government of Indonesia's policy on first asylum and stands ready to follow up vigorously any future allegations of pushoffs.

Khmer Humanitarian Parole Program

QUESTION 9: In September 1985 Secretary Shultz initiated a program for humanitarian parole and immigration visa processing for those along the Thai-Cambodian and Thai-Laotian border. What is the number of humanitarian parole cases who have been moved from the border since the program began? Is that number consistent with the goals of the program? Why haven't more been processed? How many do you expect to be processed and moved in Fiscal Year 1988?

ANSWER:

The Khmer Humanitarian Parole Program was created to deal with the circumstances of Khmer on the border who were exposed to cross-border military exchanges and might be subject to involuntary repatriation. We are disappointed in the response to the humanitarian parole program both in the ability to interview and move cases, and in the small number of cases which have been filed under the program.

From the beginning of the program through July of this year, only 383 requests were received, in spite of extensive efforts of both INS and the State Department to publicize the program. The overwhelming obstacle to greater success in processing either humanitarian parole or immigrant visa requests has been the lack of access to the cases for interview.

We have made repeated requests to the Thai government for increased access. Of those persons who have been interviewed for humanitarian parole, 179 cases have been approved. Another 3% were found to be eligible for refugee benefits.

We are frustrated in our ability to move the people once they have been approved. We hope to secure more cooperation from the Thai government in the future, and as soon as access is granted, both INS and the State Department will interview pending cases.